



State of South Carolina

Contingency Plan

For Spills and Releases of  
Oil & Hazardous Substances



2002 Edition

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## Distribution List

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Appalachia II  
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Low Country  
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Manager, Emergency Response Section  
Manager, Nuclear Response and Emergency Environmental Surveillance  
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S.C. Budget and Control Board

Other South Carolina Agencies (continued)

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- Division of Labor

- Division of State Fire Marshal

- State Fire Academy

Department of Natural Resources

Department of Parks, Recreation and Tourism

State Ports Authority

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- Highway Patrol

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Environmental Contact Points

Georgia Dept. of Natural Resources

North Carolina Dept. of Environmental & Natural Resources

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# STATE OF SOUTH CAROLINA OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN

## **Subpart A - Introduction**

### 300.1 Purpose and objective

Prevention of spills of oil and hazardous substances is the best possible method of spill control. Encouraging all individuals who handle such materials to avoid spills through planning, housekeeping, equipment maintenance, and safe handling practices stress this control method. However, in the event a spill does occur, immediate action by all responsible parties and jurisdictional agencies is required. Therefore, the purpose of this plan is to provide for a pattern of coordinated and integrated response by agencies of the State and Federal governments in order to protect the public health and the environment from the effects and consequences of spills. This plan also outlines the responsibilities and capabilities of State and Federal groups and encourages the development of other government and private capabilities to handle spill incidents.

The State On-Scene Coordinator must use and insure that response actions/operations are consistent with the National Contingency Plan (NCP), the State of South Carolina Contingency Plan (this plan), and the S.C. Emergency Operations Plan (SCEOP).

This plan does not supersede the National Contingency Plan. The intent of the plan is to provide and establish procedures to respond to spills in conjunction with or in the absence of Federal response actions.

The objectives of this plan are to provide for efficient, coordinated action to minimize damage from oil and hazardous substance discharges, including containment, cleanup, and disposal. This plan, including the annexes, provides for:

- Coordinating between Local, County, and other State plans.
- The establishment of a simple, effective procedure for reporting spills so that the first observer of a spill incident can initiate the alert, thus insuring the earliest possible notice to the State.
- A procedure to designate a State Response Team, State On-Scene Coordinator (SOSC), and District Response Teams who have the responsibility to alert and coordinate the resources of manpower, equipment, and materials to control, contain, and cleanup spills.
- The assignment of duties and responsibilities among State Agencies and departments for coordination with Federal and local agencies, such as the U.S. Environmental Protection Agency, U.S. Coast Guard, and local response organizations such as fire departments, police, and County Emergency Preparedness divisions.
- The development of local contingency plans and mutual assistance groups so that the spiller can take prompt, effective action in the control and cleanup operations, thereby, minimizing financial liabilities associated with cleanup and restoration.
- A procedure of reimbursement to the State of South Carolina for reasonable cost incurred in the containment and cleanup of such discharge.

### 300.2 Authority and application.

This Plan is intended to be the State level implementing mechanism for achieving the objectives of §48-43-30 and §44-56-200 of the South Carolina Code of Law, 1976, as amended, and Federal Act 96-510 of 1980, as amended, as related to spills of oil and/or hazardous substances. In conjunction with this Plan, responders must also be aware of the State Emergency Powers Act (§6-11-1420) which gives certain additional authority to the “Fire Authority having jurisdiction” during an emergency response action. The SOSC recognizes this authority and will make all efforts to include the local fire authority in the Incident Command System/Unified Command Structure that will be utilized within this Plan. This Plan has been developed in compliance with §48-43-550 of the South Carolina Code of Law, 1976, as amended, which states:

"The Department shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State.

Such regulations shall include, but are not limited to:

... (e) Creation by contract or administrative action of a state response team which shall be responsible for creating and maintaining a contingency plan of response, organization, and equipment for handling emergency cleanup operations. The state plans shall include detailed emergency operating procedures for the State as a whole and the team shall from time to time conduct practice alerts. The contingency plan shall contain all necessary information for the total containment and cleanup of pollution, including but not limited to an inventory of equipment and its location, a table of organization with the names, addresses, and telephone numbers of all persons responsible for implementing every phase of the plan, a list of available sources of supplies necessary for cleanup and a designation of priority zones to determine the sequence and methods of cleanup. The state response team shall act independently of agencies of the federal government but is directed to cooperate with any federal cleanup operation,..."

The Department's response to oil and hazardous substance spills and releases is mandated and guided by the S.C. Pollution Control Act (PCA), S.C. Hazardous Waste Management Act (HWMA), S.C. Oil and Gas Act (O&GA), among others. Under the Federal Clean Water Act (CWA), the Department serves as a member of the Federal Regional Response Team. For inland planning and response, the Department coordinates with the USEPA in implementing the NCP and the Area Plan developed per the Oil Pollution Act of 1990 (OPA90). In the coastal area, the Department ensures that state interests and concerns are addressed and cooperates with the U.S. Coast Guard, who is designated federal on-scene coordinator, in implementing the NCP and the Area Plan developed per OPA90.

Our response authorities are primarily as follows:

- §48-1-90 of the Pollution Control Act, Chapter 1 of Title 48 Environmental Protection and Conservation, Code of Laws of South Carolina, 1976, states that "...It shall be unlawful for any person, directly or indirectly, to throw, drain, run, allow to seep or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes and other wastes, except as in compliance with a permit issued by the Department..."
- §48-43-520 (4), of the 1977 South Carolina Oil and Gas Act confers upon the Department power to: "... (a) Deal with the hazards and threats of danger and damage posed by such transfers (of pollutants [defined as oil of any kind and in any form -e.g. gasoline, pesticides, ammonia, chlorine, and derivatives thereof] between vessels, between onshore facilities and vessels, and between terminal facilities within the jurisdiction of the State and State waters) and related activities" and "(b) Require the prompt containment and removal of pollution occasioned thereby ...".

§48-43-530(1) continues: "The Department may call upon any other state agency for consultative services and technical advice and the other agencies are directed to cooperate with the Department".

§48-43-550 directs "The Department shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State. Such regulations shall include, but not be limited to:

- (a) Operation and inspection requirements for terminal facilities, vessels, and other matters relating to certification under this article but shall not require vessels to maintain spill prevention gear, holding tanks of any kind, and containment gear in excess of federal requirements.
- (b) Procedures and methods of reporting discharges and other occurrences prohibited by this article.
- (c) Procedures, methods, means, and equipment to be used by persons subject to regulation by this article on the removal of pollutants.
- (d) Development and implementation of criteria and plans to meet pollution occurrences of various degrees and kinds..."

§48-43-560 states "(1) Any person discharging pollutants in violation of this article shall immediately undertake to contain, remove, and abate the discharge to the Department's satisfaction. Notwithstanding the above requirements, the Department may undertake the removal of the discharge and may contract and retain agents who shall operate under the direction of the Department. (2) If the person causing a discharge, or the person in charge of facilities at which a discharge has taken place, fails to act, the Department may arrange for the removal of the pollutant, except that if the pollutant was discharged into or upon the navigable waters of the United States, the Department shall act in accordance with the national contingency plan for removal of such pollution as established pursuant to the Federal

Clean Water Act, as amended, and the costs or removal incurred by the Department shall be Paid in accordance with the applicable provisions of the law. Federal funds provided under this act shall be used to the maximum extent possible prior to the expenditure of state funds. (3) In the event of discharge the source of which is unknown, any local discharge cleanup organization shall, upon the request of the Department or its designee, immediately contain and remove the discharge."

- The Federal Water Pollution Control Act as amended, has provisions relating to the national contingency plan for the reporting of, responding to, and removing of pollutants. Spills of oil or reportable quantities of hazardous substances to navigable waters or releases of reportable quantities under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) are required to be reported immediately to the National Response Center (1-800-424-8802).
- The South Carolina Hazardous Waste Management Regulations 61-79.265 Subpart D requires that all fully regulated generators or treaters, storers, or disposers of hazardous wastes have a contingency plan and emergency procedures which must be implemented upon release of a hazardous waste. In addition, spilled hazardous materials may become hazardous wastes, and must be managed and disposed in accordance with these regulations
- The S.C. Hazardous Waste Management Act has incorporated Federal CERCLA under Section 44-56-200. When read broadly, the Department has authority to enforce the Reportable Quantity provisions along with Response Authority provisions under the Federal statute. Under CERCLA, as amended, Section 104 identifies Response Authorities which are stated as follows:

"Whenever:

- (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or
- (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment. When the President determines that such action will be done properly and promptly by the owner or operator of the facility or vessel or by any other responsible party, the President may allow such person to carry out the action,..."

In taking a response action DHEC must be consistent with the National Contingency Plan.

### 300.2.1 State Policy

"It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety, and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this act, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution." (§48-1-20, S.C. Code of Laws, 1976, as amended).

### 300.2.2 Federal Policy

Section 1510.21 of the National Contingency Plan states: "The Congress has declared that it is the policy of the United States that there should be no discharge of oil or hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or upon the waters of the contiguous zone." (Section 311 (b)(1) of the Act PL 92-500).

Navigable waters are broadly defined under the Clean Water Act and Federal Oil Pollution Act to include all waters that are used in interstate or foreign commerce, all interstate waters including wetlands, and all interstate waters, such as lakes, rivers, streams, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. Essentially, the term navigable water refers to any natural surface water in the United States. Case law has also established that navigable water includes anything that could have a "hydraulic connection" to navigable waters.

### 300.3 Scope

This Plan is effective for all jurisdictional land, air, and waters of the State, both coastal and inland. The provisions of the Plan are applicable to all State Agencies mentioned in §48-43-570 of the South Carolina Code of Law, 1976, as amended, as well as all other State Agencies included in this Plan. Implementation of the Plan is compatible with and complementary to currently effective State and Federal legislation.

### 300.4 Abbreviations

Department and Agency title abbreviations:  
DHEC - South Carolina Department of Health & Environmental Control  
OCRM – DHEC’s Office of Ocean and Coastal Resource Management  
SCDOT - South Carolina Department of Transportation  
EPA - U. S. Environmental Protection Agency  
EPD - South Carolina Emergency Preparedness Division  
EQC - DHEC Environmental Quality Control  
ERS - DHEC Emergency Response Section  
SCPSC- South Carolina Public Service Commission  
SCHP - Highway Patrol, Dept. of Public Safety  
SCDNR - South Carolina Department of Natural Resources  
USCG - U. S. Coast Guard

Operational abbreviations:

DOSC - District On-Scene Coordinator  
DRT - District Emergency Response Team  
EFIS - Environmental Facility Information System  
ERT - Emergency Response Team  
FOSC - Federal On-Scene Coordinator  
MSO - USCG, Marine Safety Office  
OSC - On-Scene Coordinator  
Plan - State of South Carolina Contingency Plan for Oil & Hazardous Substance (this plan)  
RPM - Remedial Project Manager  
RRT - Regional Response Team - Federal Region IV  
SCP - State Contingency Plan  
SOSC - State On-Scene Coordinator  
SPCC - Spill Prevention, Containment, and Countermeasure Plan  
SRT - State Response Team

300.5 Definitions.

Terms not defined in this section have the meaning given by CERCLA, the OPA, CWA, O&GA, HWMA, or PCA.

*Activation* means notification by telephone or other expeditious matter or, when required, the assembly of some or all appropriate members of the RRT, and/or SRT.

*CERCLA* is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Re-authorization Act of 1986, as amended.

*Department* shall mean the South Carolina Department of Health and Environmental Control.

*Discharge*, for the purpose of this Plan includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil or hazardous substance into the environment of the State. For the purpose of this Plan, discharge also means threat of discharge.

*District Emergency Response Team* - Predesignated staff from each DHEC EQC District Office that is responsible, in part, for emergency response work under this plan.

*Drinking water supply* for the purpose of this Plan mean any raw or finished water source that is or may be used by a public water system or as drinking water by one or more individuals such as wells.

*Emergency Response Team* - personnel from the DHEC EQC, Bureau of Land and Waste Management, Emergency Response Section.

*Environment* means the waters, and any land surface or subsurface strata, or ambient air within or

connected to the jurisdictional boundaries of the State of South Carolina.

*Hazardous substance* for the purpose of this Plan means any substance, or combination of substances that are defined as:

- “Hazardous Waste” under the South Carolina Hazardous Waste Management Act and promulgated regulation,
- “Hazardous Substance” under State CERCLA,
- “Oil” or “Gas” under the South Carolina Oil and Gas Act,
- “Pollutant” under the South Carolina Oil and Gas Act,
- “Pollution” under the South Carolina Pollution Control Act or the Oil and Gas Act,
- “Hazardous Material” as used in the South Carolina Hazardous Waste Management Act.

*Incident* for the purpose of this Plan means any spilling, leaking, pouring, emitting, emptying, or dumping of an oil or hazardous substance, whether intentional or unintentional, into the environment.

*Natural resource* means land, fish, wildlife, plant, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of South Carolina.

*Oil* means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoils, but excludes liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

*RQ (Reportable Quantity) Chemical* means any chemical that is listed in 40 CFR Table 302.4 (CERCLA) and/or is listed as an Extremely Hazardous Substance (EHS) in 40 CFR Section 305 Appendix A and/or B.

*Release / Spill.* For the purpose of this Plan, spill shall mean the release, spill, discharge, or escape of any pollutant into the air, land, or water, whether intentional or unintentional, of the State. Spill and release may be used interchangeably.

*Size classification of discharges* refers to the following size classes of oil and hazardous substance discharges, which are provided as guidance to the SOSC and serve as criteria for the actions delineated within this Plan. They are not meant to imply associated degrees of hazard to public health or welfare, nor are they a measure of environmental injury, nor does it relate to a Responsible Parties reporting requirement. Any discharge that poses a substantial threat to public health or welfare or the environment or results in significant public concern shall be classified as a major discharge regardless of the quantitative measures:

CATEGORY	AMOUNT SPILLED	TERMINOLOGY
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Level 1	none, but substantial risk	Potential
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Level 2	OIL - <1,000 gallons and/or RQ Chemical - <Listed RQ and/or Non-RQ Substance - <500 gallons	Minor
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CATEGORY	AMOUNT SPILLED	TERMINOLOGY
----------	----------------	-------------

Level 3	OIL - 1,000-10,000 gallons and/or RQ Chemical - ≥Listed RQ and/or Non-RQ Substance - ≥500 gallons	Medium
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Level 4	OIL - ≥10,000 gallons and/or RQ Chemical - ≥Listed RQ and/or Hazardous Substance - ≥500 gallons	Major
---------	---	-------

*State On-scene coordinator* means the official predesignated by the Department to coordinate and direct state response under this Plan. The Department has designated the Manager of the Emergency Response Section of DHEC as the SOSC.

*State Response Team* for the purpose of this Plan shall include the SOSC, DOSC, ERT, DRT, and all Allied Agencies.

*Waters* means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

### 300.6 Use of number and gender.

As used in this plan, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the cause may require.

### 300.7 Computation of time.

[Reserved]



## **Subpart B - Responsibility and Organization for Response**

### 300.100 Duties of Department delegated to SOSC.

The Department has designated the responsibilities of the State On-Scene Coordinator to the Manager, Emergency Response Section.

### 300.105 General organizational concepts.

State agencies should:

1. Plan for emergencies and develop procedures for addressing hazardous substance incidents;
2. Coordinate their planning, preparedness, and response activities with one another;
3. Coordinate their planning, preparedness, and response activities with other affected states, county and local governments, and private entities;
4. Make available those facilities or resources that may be useful in a response situation, consistent with agency authorities and capabilities.

Three fundamental kinds of activities are preformed pursuant to this Plan.

- Preparedness planning and coordination for response to a hazardous substance incident.
- Notification and communications; and
- Response operations at the scene of an incident.

The organizational elements created to perform these activities are:

- The SRT is responsible for statewide response and preparedness planning, for coordinating regional planning, for providing policy guidance and support to the DOSC.
- The ERT is responsible for statewide response and technical support to any federal, state, or local agency during an incident involving a hazardous substance.
- The DRT is responsible for response and technical support within a set geographical area to federal, state, and local agencies.
- The SOSC is primarily responsible for directing response efforts and coordinating all efforts at the scene of a hazardous substance incident requiring state involvement.

The specific duties and responsibilities of the SRT, ERT, DRT, and SOSC are contained in more detail later on in Subpart B. Additionally, SCDHEC has set up a Disaster Coordination Team that will activate to assist during major incidents or disasters.

The basic framework for the response management structure is a system that brings together the functions of the Federal Government, the State Government, Local Government and the responsible party to achieve an effective and efficient response, where the OSC (federal or state) maintains coordinating authority.

### 300.105.1 Incident Command System.

An Incident Command System (ICS) will be used by all agencies during all emergency response efforts. The SOSOC will specifically use a UNIFIED COMMAND (UC) approach when implementing the ICS. The Unified Command is a larger accommodating structure that ensures that responsibilities are defined, efforts and resources are combined, and maximum efficiency is achieved within a cooperative environment. While the NCP mandates that the FOSC has ultimate authority to direct the response, an ICS led by a UC maintains a cooperative environment, promoting overall efficiency in the emergency response. The SOSOC will assure that local response agencies are appropriately represented at the command level of the UC system.

The organizational concepts of the state response system are depicted in Annex A. Figure 1 illustrates the ICS/UC that will be used when implementing this plan. This Plan has adopted the Incident Command System/Unified Command (ICS/UC) response management system. This system is consistent with the National Contingency Plan (NCP) and meets the OSHA requirements of 29 CFR 1910.120(q).

### 300.105.2 EQC Districts and FOSC boundaries.

The State of South Carolina is divided into twelve Environmental Quality Control (EQC) districts. Each district office has technical personnel who make up the District Response Team. Each District Director is responsible for maintaining their respective District Response Team. Each DRT is responsible for initial investigation of spills and the coordination of control, containment and cleanup of spills of hazardous substances that occur within their specific geographical area or as needed statewide. The official record keeping system for all investigations, both District and Central Office, will be the Environmental Facility Information System (EFIS).

The location of the district EQC offices and the jurisdictional area for each is in Annex B. Figure 2 illustrates the EQC district boundaries.

The Annex C describes the predesignated federal jurisdictional boundaries. Figure 3 illustrates the federal boundaries within South Carolina. This illustration shows the EPA and USCG boundaries.

### 300.110 National Response Team.

[Reserved]

### 300.115 Regional Response Teams.

DHEC is the official South Carolina representative to the Region IV RRT. The Director of the Division of Waste Assessment and Emergency Response is the primary member. The Manager of the Emergency Response Section is the alternate member. Associate state members are the SCEMD and the SCDNR.

### 300.115.1 Region IV Regional Response Team (RRT).

The RRT was organized as a part of the National Contingency Plan, which was developed in compliance with Section 311(c)(2) of the Clean Water Act, as amended [33 U.S.C. 1321(c)(2)]. An incident specific RRT can consist of fourteen (14) federal agencies, the affected state agency(s), and other select advisory agencies as appropriate to the spill incident.

300.115.1.1 The primary membership of the RRT is comprised of the following agencies with the main office and location indicated:

U.S. Coast Guard (USCG) (Co-Chair)	Commander, 7th CG District 909 SE 1st Ave Miami, Fl. 33131-3050
U.S. Environmental Protection Agency (EPA) (Co-Chair)	Region IV, 11 <sup>th</sup> Floor 61 Forsyth Street, SW Atlanta, Georgia 30303-3104
Department of Transportation (DOT) Federal Highway Administration	61 Forsyth Street, SW, 17T75 Atlanta, Georgia 30303-3104
Federal Railway Administration	61 Forsyth Street, SW, Atlanta, Georgia 30303-3104
Department of Interior (DOI)	U.S. Fish and Wildlife R.B. Russell Federal Bldg. 75 Spring St; SW; Rm 1034 Atlanta, Ga. 30303
Department of Commerce NOAA	NOAA/NOS/ORCA/HMRAD 7600 Sand Point Way, NE Bin C15700 Seattle, WA 98115-0070
Department of Defense (DOD)	Dept. of Army; HQ 2nd U.S. Army Attn: AFKD-OPM Ft. Gillian, Ga; 30050
	Dept. of Navy - Naval Base Jacksonville Building 1, Langley St; Room 146 Jacksonville, FL; 32212-0102

Federal Emergency Management Agency (FEMA)	3003 Chamblee-Tucker Road Atlanta, Ga. 3030341
Department of Labor, OSHA	Suite 587, 1375 Peachtree Street, Atlanta, Ga. 30367
Department of Health & Human Services Disease Control Branch	101 Marietta Tower Atlanta, Ga. 30323
Department of Justice	Environmental Enforcement Room 1644 Washington, D.C., 20530
Department of Agriculture	Food & Nutrition Service Room 200, 1100 Spring St, NW Atlanta, Ga., 30367
General Accounting Office	101 Marietta Tower Suite 200 Atlanta, Ga., 30323
Department of Energy	Atlanta Support Office 730 Peachtree St, NE Suite 876 Atlanta, Ga., 30308
South Carolina Dept. of Health and Environmental Control	2600 Bull Street Columbia, SC 29201

For planning purposes the following states are also members of the standing Federal Region IV RRT:

State of Alabama	State of Florida	State of Georgia	Commonwealth of Kentucky
State of Mississippi	State of North Carolina		State of Tennessee

### 300.115.2 Activation of the RRT

Activation of the RRT shall be in accordance with the National and Regional Contingency Plans. To activate the RRT, the appropriate primary members shall be immediately notified. The responsibility for this initial notification of the RRT shall reside with the predesignated FOSC. Initial notification shall be by telephone with additional documentation as per the National Contingency Plan. It is the responsibility of each RRT member to ensure that telephone numbers and names of team members and alternates are provided for inclusion into the Regional Contingency Plan and that they are kept up-to-date.

### 300.115.3 RRT Duties and Responsibilities.

In addition to the duties, functions, and responsibilities contained in the National Contingency Plan (1510.34), the following specific functions shall be performed by the RRT:

- (a) Assist the FOSC/SOSC in obtaining additional equipment and resources. In many cases, the FOSC/SOSC will have the need for equipment and resources that are not available locally. Oftentimes this equipment is known to be available from other federal agencies or related groups. Should such a request be received, the appropriate Primary or Advisory team member representing the source of this equipment or resource shall obtain all available information on its availability, time to scene, and other pertinent factors for transmittal to the OSC via the RRT. In addition, if requested, the appropriate RRT member shall assist in making arrangements for the delivery of the equipment to the spill site along with appropriate operating or advisory personnel.
- (b) Assist the FOSC/SOSC with response decisions as needed or requested. Such decisions include, but are not limited to, cleanup options, bioremediation, dispersant use, etc.

### 300.120 On-scene coordinators and remedial project managers: general responsibilities.

The SOSC or his designee will work through the ICS-UC to develop response objectives at the scene of a discharge or release. As part of the planning and preparedness for response, the Department has predesignated specific technical staff within each EQC District office to be DOSCs.

The SOSC should ensure that persons designated to act as DOSCs are adequately trained and prepared to carry out actions under this plan, to the extent practicable.

The SOSC is responsible for maintaining this contingency Plan. This plan shall, as needed, be updated in cooperation with the RRT, other state agencies, and local government.

Coordination of public information. In accordance with Section 300.155.3 of this plan, when activated, the SOSC shall coordinate the preparation and release of all public information and the scheduling and location of all press conferences via the DHEC Media Relations representative.

300.120.1 The manager of the Emergency Response Section, DHEC, shall be the State On-Scene Coordinator (SOSC) unless otherwise designated by him or the Deputy Commissioner of the Office of Environmental Quality Control. Please refer to Appendix A of this Plan for the established DHEC Incident Command System.

300.120.2 The SOSC shall have jurisdiction over all spills of oil and hazardous substances within the State Boundaries. In the event that the spill is of the nature requiring USEPA or USCG to send a representative, decisions affecting the spill activities will be closely coordinated. (See

Annex C for predesignated boundary lines between EPA and USCG.)

300.120.3 If in the opinion of the SOSC the resources of manpower and equipment on a spill scene are inadequate to protect the public health and the environment in any phase of the control, containment and emergency cleanup, he will initiate the necessary operational procedures to insure that protection. If necessary, he will augment the response with additional personnel from the South Carolina Department of Health and Environmental Control (DHEC), the South Carolina Department of Public Safety, Highway Patrol (SCHP), the South Carolina Department of Natural Resources (SCDNR), the DHEC Office of Ocean and Coastal Resources Management (OCRM), the South Carolina Forestry Commission (SCFC), contractors, and any industrial or mutual assistance groups. The United States Environmental Protection Agency (EPA) and/or the United States Coast Guard (USCG) will be kept posted of State actions. The SOSC will coordinate information transfer to the Federal agencies. The SOSC can request assistance or Federalization of a spill if any one of the following circumstances exists: (1) the spiller is unknown; (2) the spiller is not responding to the incident in a satisfactory manner; (3) the spill is beyond the capabilities of the State to handle; (4) or for oversight of response effort/technical assistance.

SOSC will ensure that emergency response procedures and guidelines are coordinated with the USEPA and USCG as put forth in the Memoranda of Agreement between South Carolina and the above two agencies (see Appendix D and F).

300.120.4 The SOSC will not be expected to know how to neutralize or decontaminate all of the thousands of hazardous substances that are in existence or may be produced in the future. If one of these chemicals is spilled, the SOSC is charged with obtaining any necessary technical assistance. A continuing training program will be conducted to keep the DHEC response personnel abreast of new methods of oil and hazardous substance spill control, containment, neutralization, decontamination, cleanup, and removal.

300.120.5 The SOSC will be responsible for maintaining this Plan and necessary equipment manuals, procedure manuals, and cleanup contractor reference information. All ERT members as well as each EQC District Office, as applicable, will keep these manuals and references.

300.120.6 The SOSC will authorize a Central Office Duty Officer (CODO) to be on call 24 hours a day, every day of the year. The Duty Officer will be a member of the DHEC Emergency Response Team and will be on call on a rotational basis. The Duty Officer will be responsible for handling spill response calls that are telephoned into the 24-hour telephone line. The duty officer will be responsible, in part, for:

1. Recording all pertinent data as required, in part, in section 300.300.3 of this Plan and keeping an accurate log (EFIS) of all calls received.
2. Notify the appropriate DOSC for follow up and investigation.
3. Notify appropriate Federal, State, and local agencies as needed.
4. Notify SOSC of significant concerns that may require deployment of the ERT and/or the SRT, or other State resources.

### 300.125 Notification and communications.

The Department's emergency response number is continuously manned for handling notifications of oil and hazardous substance spills and fish kills. The Emergency Response number is also the reporting point for RQ releases under applicable state and federal regulations. The SERC designated this line for the EPCRA spill reporting point.

Notifications should be made to the Central Office Duty Officer, telephone (803) 253-6488 or toll-free at (888) 481-0125. All notices of discharges or releases received at the emergency response number will be handled immediately by telephone and forwarded to the appropriate DOSC.

### 300.125.1 Notification of Allied Agencies.

The SOSOC should anticipate all possible resource needs during the response. If personnel, equipment, or other resources are needed for the response effort, notifications to the agency(s) controlling such resources will be as soon as possible. If at all possible, the primary contact for each allied agency will be notified well in advance of the actual time the resource is required to be on site.

Additionally, the SOSOC is responsible for notifications to agencies and departments that may have a vested interest in the incident or has a need to know. The SOSOC will notify each agency/department of the incident and give as much detail as needed to allow the agency/department to act or prepare for a response to the incident. Some of the agencies/departments are listed below.

- SCDHEC - ERT, R-1, DRT, Media Relations, Director of Waste Assessment and Emergency Response, and any other specific program areas.
- SCDNR, SCDOT, SCHP, PSC, etc.
- SC Emergency Management Division
- Local Emergency Preparedness Divisions
- USEPA and/or USCG (Charleston or Savannah)
- North Carolina / Georgia

### 300.130 Determination to initiate response and special conditions.

The statutory authority for emergency response and removal actions for spills or releases of oils or hazardous substances arises from the Oil and Gas Act (Title 48, Chapter 43, Code of Laws of South Carolina, 1976, as amended) along with other State laws. The Act declares (§48-43-520) that police powers are granted to the Department and further directs the department to follow the Federal Water Pollution Control Act and especially the National Contingency Plan for the removal of pollutants or contaminants. Further, in §48-43-550(e), the Act mandates emergency cleanup responses for the state as a whole. It also grants independent actions from the Federal Government on any response operation but directs cooperation with any Federal response or cleanup operation.

The Hazardous Waste Management Act (§44-56-200) has adopted CERCLA as State Law. Section 104 of CERCLA, especially, directs response actions to be undertaken for a release or a substantial threat of a release to the environment or for one that provides an imminent and substantial threat to the public health or welfare. Section 104 further requires in (a)(1) that such actions be allowed to proceed by the appropriate response authority when determined that the remediation effort by the owner, operator, or any other responsible party can be done properly and promptly.

This contingency plan may be implemented under various conditions. This plan will be implemented during any DHEC field response to a spill/release. The SOSC may initiate a state response of various degrees depending on the severity of an incident. Listed below are a few of the conditions in which the SOSC may activate all or part of this plan for a spill or release. This list is not all-inclusive and should be used only as a guide.

- When a local agency (i.e. fire department) needs technical information/support on an oil or hazardous substance incident;
- When a death or injury has occurred due to a hazardous substance incident;
- When interstate highways or major roads are closed because of spills;
- When drinking water intakes are threatened;
- When an incident may impact adjoining states;
- When the assistance of the USEPA or USCG are required;
- Populated areas of the state are, or may need to be, evacuated;
- Large quantities of a hazardous substance(s) are involved or potentially involved.

#### 300.130.1 Radiological

Where a release or discharge occurs involving radioactive materials, the response action will be in accordance with the State of South Carolina Operational Radiological Emergency Response Plan and/or State of South Carolina Technical Radiological Emergency Response Plan (SCORERP/SCTREPR). SCORERP/SCTREPR are plans that were developed under the Atomic Energy and Radiation Control Act (Title 13, Chapter 7, Code of Laws of South Carolina, 1976, as amended). The SOSC will work in conjunction and coordination with the lead under SCORERP. If the Department's emergency response number is notified of any radiological event, the CODO will immediately notify the DHEC Nuclear Response and Emergency Environmental Surveillance Duty Officer of the call.

#### 300.130.2 Need for Federal Resources

Where the release or discharge situation exceeds the capabilities of the State and local government agencies, then the SOSC may call upon the appropriate FOSC to coordinate further response capability.

#### 300.130.3 Disasters

The State Emergency Operations Center (SEOC) may be activated under the South Carolina Emergency Operations Plan, to address or prepare for responses to hazardous substance incidents related to an impending or declared disaster or other catastrophic event. DHEC EQC



will operate under Emergency Support Function (ESF) 10 (HAZMAT). This Plan will be used in conjunction with other approved DHEC SOPs.

### 300.135 Response operations

The SOSC, consistent with 300.120 and 300.125, shall direct DHEC's response efforts and coordinate all other efforts through an ICS-UC at the scene of the release or discharge. The DOSC shall coordinate all required or necessary response actions with the SOSC. The DOSC shall collect pertinent facts about the discharge or release to include if possible, source, cause, identification of all potentially responsible parties, the travel path and fate of the released materials, pathways to human and environmental exposure and their potential impacts, and level of overall threat to the health and welfare of citizens of South Carolina. The DOSC shall coordinate with all other responding authorities, including federal, state, local, and potential responsible parties. Through the implementation of a ICS/UC keep all responders informed as to the progress of the response effort. The DOSC shall use appropriate resources to gauge the health effects, if any, from the release to the public at large and the response workers at the scene and consult with the appropriate state, local, and federal agencies as needed. The DOSC shall develop a final incident report that chronicles the event and response effort. This report will be the official DHEC report containing all pertinent photographs, response memorandums, copies of responsible party reports, and the like. The body of this report will be generated using EFIS.

### 300.140 Multi-jurisdictional responses.

The SOSC will initiate an Incident Command System utilizing a Unified Command approach. The SOSC will direct all DHEC response efforts at the incident. The SOSC will, through its Liaison Officer, maintain contact with all local government agencies/authorities and request input from such agencies/authorities as necessary, as to their concerns and priorities during the incident. Under all conditions (i.e. major chemical fire) the SOSC will have local fire authorities present in the IC for direct consultation.

### 300.145 Special teams and other assistance available to the SOSC.

One of the primary objectives of the spills program is to inform potential spillers of the importance of containment and cleanup so that they may take immediate action in the event of a spill; thus, mitigating potential public health exposure and environmental damage. However, there will be times when the members of the SRT must intervene, utilizing the available equipment and special forces of the state. Listed below are special teams and state agencies that have certain responsibilities under this plan. The SOSC will maintain information such as: specific points of contact, equipment/resource list, responsibilities/capabilities list, and field communications capabilities for each special team or state agency.

#### 300.145.1 State Response Team.

300.145.1(a) Primary membership of the State Response Team (SRT), as established in §48-43-520 of the South Carolina Code of Law, 1976, as amended, shall consist of the State On-Scene Coordinator, DOSC, members of the DHEC Emergency Response Section, and the DHEC District Response Teams.

300.145.1(b) Advisory membership of the SRT, as established in §48-43-570 of the South Carolina Code of Laws, 1976, as amended, will be comprised of the following agencies:

S.C. Department of Public Safety, Highway Patrol  
S.C. Department of Transportation  
S.C. Department of Natural Resources  
S.C. Forestry Commission  
S.C. DHEC Office of Ocean and Coastal Resource Management

300.145.1(c) The Headquarters of the SRT is located within the SCDHEC Bureau of Land and Waste Management, Stern Business Center, 8901 Farrow Road, Columbia, S.C., 29223, (803)896-4111 (mailing address: 2600 Bull Street, Columbia, SC, 29201).

300.145.1(d) In the event of a spill or release of oil or other hazardous substance it is the responsibility of the primary members of the SRT to:

- Protect human life at all times
- Protect public health
- Prevent or minimize contamination of the environment
- Keep a chronological log of all spill incidents
- Maintain progress reports for concerned parties
- Coordinate containment, cleanup and disposal activities at the spill
- Collection of short-term data, as appropriate
- Coordinate wildlife rescue, rehabilitation, and assessment
- Maintain accounting of the State funds and equipment utilized in the spill containment, cleanup and disposal
- Conduct Media Relations

300.145.1(e) In the event of a spill, the primary and advisory members of the SRT shall be activated as needed. The responsibility for initial notification of the secondary members shall rest with the SOSC. It is the responsibility of each SRT member to insure that telephone numbers and names of key personnel are provided to the SOSC and are kept up-to-date. The SOSC can provide notifications to SRT members as needed for spills that are categorized as Potential and Minor.

300.145.1(f) All ERT and DRT members are trained at least to the Technician Level as required by OSHA, per CFR 29, 1910.120. The ERT and DRT members receive additional training that includes, in part, Incident Command System and other related spill and emergency response training.

300.145.1(g) In the event that a spilled substance may have a detrimental effect on air quality and/or pose a threat to drinking water supplies, notification is made to the appropriate personnel within DHEC and local governments by the SOSC. Personnel within the appropriate program areas within DHEC will assist the SOSC in contacting the municipalities, industries and other persons potentially affected by the spill.

### 300.145.2 DHEC Emergency Response Team (ERT).

The ERT is a statewide response program. It is made up of trained responders from the Emergency Response Section in Columbia with support from other DHEC Central Office programs. The ERT has personnel that have training and equipment above and beyond that of the DRTs. The ERT responds statewide to assist the SOSC or the DOSC as well as all local agencies. The ERT has equipment and training to dress out in full level "A" personal protective equipment and perform air monitoring and sampling if needed. Most of the equipment is contained in a specially designed command/emergency vehicle. The ERT has and uses CGI/LEL/O<sub>2</sub> monitors, photo-ionization detectors, flame-ionization detectors, colorimetric indicator tubes, computer databases, and decontamination equipment. The ERT also has several vehicles and a spill trailer for oil spill response. The trailer contains several hundred feet of commercial boom as well as oil sorbents, portable lights, generators, and other items for oil spill response.

300.145.2.1 The ERT has various methods of communicating with the SOSC and other allied agencies. All ERT vehicles have cellular telephones. Each ERT vehicle also has radio communications equipment that operates in the 800 MHz, UHF and VHF bands. Direct radio communications are possible with SCHP, SCEPD, SCDNR, USCG, and various local fire and EMS departments.

The ERT also has access to a mobile antenna/base radio station that is mounted on a trailer. This unit has an extendable sixty-foot antenna as well as a 200-watt base radio (DHEC low-band only). This unit is stored at State Park in Columbia.

### 300.145.3 District Response Teams (DRT).

When any District Response Team (DRT) member responds to a spill event he shall be the official representative of the SOSC and assume the responsibilities thereof. The official designation shall be District On-Scene Coordinator (DOSC).

300.145.3.1 The duties and responsibilities of the DOSC are to:

- a) Provide initial response to all spills in their district.
- b) Work to establish an ICS/UC approach to the incident.
- c) Assist in the preparation of a Site Safety Plan, to include, but not be limited to, identification of the identity and characteristics of the released material; determination of weather, topography, hydrology, vulnerable communities, facilities, water intakes, and natural resources; hazard recognition; establishment of an appropriate exclusion zone for responder safety; and recommendation of necessary public advisories/evacuations/shelter-in-place notices.
- d) Provide information, as needed, to news media and community groups during and after the emergency event.
- e) See that containment and cleanup procedures are initiated in a timely manner.
- f) Provide an effective communications link, during a spill event, between the SOSC and the responsible party and the party or parties retained to contain and cleanup the spill. The DOSC will communicate with the SOSC immediately any spill incident needing manpower or

equipment from the ERT.

- g) Provide technical assistance to local agency representatives and spillers on hazard recognition.
- h) Assist the responders and spiller with the most effective course of action for combating the spill.
- i) Ensure that all information concerning potential threats to the public health and environment, such as drinking water supplies or air quality, is reported to the SOSC.
- j) Record DHEC costs incurred in responding to a spill if so requested by the SOSC.
- k) Make a detailed, written report on the circumstances surrounding the incident, waters and/or lands affected, and the PRPs involved, through the use of EFIS.
- l) Provide the support staff necessary for the proper functioning and assistance to the ERT as deemed necessary by the SOSC during emergency response operations through activation of the DRT.
- m) Formally notify the spiller of the requirements to control, contain, and cleanup and dispose of the spill and any contamination resulting thereof.
- n) Provide resource lists and options for cleanup alternatives to the spiller, if needed.
- o) Monitor progress of the response and any resulting cleanup efforts.
- p) Notify the responsible party of cleanup insufficiencies.
- q) Notify the SOSC of continuing insufficiencies with a recommendation for further State and/or Federal action.
- r) Determination and recommendation of sampling or study needs to evaluate the effectiveness and completeness of the cleanup.
- s) Recommend enforcement action to penalize failure to properly contain and cleanup spills or negligent acts (both civil and/or criminal actions).

#### 300.145.3.2 Farrow Road Command Center (FRCC)

The FRCC is located in room 1322 of the Stern Business Center, DHEC Emergency Response Section headquarters. The FRCC is used by the Central Office ERT to coordinate all DHEC EQC responses during major emergency response activities. The FRCC has numerous computer systems, GIS workstation, real-time weather data satellite system, communications equipment, and a full reference library (chemical data, topographical maps, etc.). The FRCC will activate anytime DHEC Technical Assistance Teams (see next section) are activated.

#### 300.145.4 Disaster Coordination Team and Technical Assistance Teams

The EQC Disaster Coordination Team (DCT), comprised of a staff member of every EQC Bureau and EQC Administration, would respond as requested to the Stern Business Center. Operations for the incident are expected to continue on a 24-hour basis during the early phase of a major incident. The Deputy Commissioner and Bureau Chiefs will appoint a cadre of 3-4 members of their bureaus to rotate into the DCT. These staff members would interface with the FRCC and their individual bureaus or bureau sub-groups, coordinating the response effort of each Bureau. These could, depending on the complexity of the disaster incident, include Wastewater, Solid Waste, Hazardous Waste, Drinking Water, Air Quality, EQC-Labs, District Services, Health Hazard Evaluation, Emergency Response, Management Services, and EQC Administration.

The DCT will aid in tracking all projects, share pertinent information with other program areas, provide information for briefings, provide information resources for all responders, and aid in the planning of incident recovery strategies.

As the incident stabilizes, this coordination team would return to their normal duty stations to continue addressing identified issues.

300.145.4.1 Each EQC District Office will develop a Technical Assistance Team (TAT). The District Director will appoint, at a minimum, a three-person team. The team will be trained on how to respond in disaster situations. TATs are an asset for affected EQC Districts. TATs from unaffected districts will be mobilized to assist. Therefore a maximum of 11 TATs, each having a minimum of two persons, will be dispatched to the affected areas of the state to perform the following tasks:

1. Make rapid assessments of hazardous substance incidents.
2. Inspect areas of concern, due to the nature of their business or materials known to be present;
3. Perform the responsibilities of the DOSC.
4. Insure that all incidents are stabilized so as to minimize impacts to the public health and the environment.
5. Will collect and record information onto standard forms and communicate it back to the FRCC.
6. Advise the FRCC of resources needed at each particular incident.
7. Will request assistance from a monitoring/sampling team if an exclusion (hot), zone entry is to be performed by DHEC.
8. Will coordinate local efforts and activities with the District EQC office personnel.
9. To interface with and provide technical assistance to local public response efforts and/or affected industries.

These TATs will be staffed with EQC district personnel who have been trained and equipped for these listed tasks. All communications will be directed to the Farrow Road Command Center for detailed analysis and further response assignments. TATs may also be assigned special duties involving other EQC program areas based on individual knowledge and availability.

#### 300.145.5 Allied State Agencies

Listed below are numerous state agencies and departments that may have a vested interest, special need, or special resource that may come into play during a hazardous substance incident. Each of the agencies listed will have special equipment, talents, or needs associated with that agency during an incident. The SOSOC may call for participation from the listed agencies/departments with various degrees of involvement depending on the severity of an incident. Each agency should be prepared to provide staff (as deemed necessary by the SOSOC) to participate and operate within functional areas of an Incident Command System utilizing the Unified Command Structure (ICS/UC). Each agency/department will be responsible, in part, for the bullet items under each department/agency heading.

#### 300.145.5.1 Adjutant General - S.C. Emergency Management Division

- Serve as point of contact for access to the SCNG
- Serve as point of contact for State Emergency Communications Vehicle
- Communications system - radios and satellite telephones
- Provide support staff to operate under an ICS/UC

#### 300.145.5.2 Adjutant General - S.C. National Guard (SCNG)

The utilization of South Carolina National Guard equipment and personnel depends upon the declaration of a state of emergency by the Governor AND the ordering of the National Guard to state active duty.

- Provide equipment and personnel trained in its use for the purpose of supporting disaster response efforts

#### 300.145.5.3 Adjutant General - S.C. National Guard Civil Support Team (CST)

The utilization of the National Guard Civil Support Team equipment and personnel does not depend upon a declaration of a state of emergency by the Governor or the ordering of the National Guard to state active duty.

- Provide equipment and personnel trained in its use for the purpose of supporting a possible WMD or terrorist event. Depending upon the nature of a Hazardous Material release or incident the CST team may also provide assistance as requested.

#### 300.145.5.4 Department of Agriculture

- Provide technical assistance in securing representative samples of materials suspected of chemical contamination.
- Provide laboratory analyses to identify contaminants such as pesticides (insecticides, fungicides, herbicides) and certain other toxic materials, (lead, arsenic, cyanide, strychnine, nitrates/nitrites), in soils, vegetation, and, to some extent, in water.
- Provide chemical, macroscopic, and microscopic analyses of food and feed products to determine quality and/or safety (excludes microbiologic analyses).

#### 300.145.5.5 Office of the State Archaeologist

- Provide technical support in locating and assessing damage to archeological sites, both inland and coastal (out to the three mile limit).

#### 300.145.5.6 Budget and Control Board

##### *Procurement Services Division / Materials Management Office*

- Location of various State Resources and Equipment
- Purchasing of needed resources
- Repair / replacement of office structures

##### *Division of the State Chief Information Office*

- State telecommunications, radios, cell phones, pagers, 800 mHz radios etc.
- Provide State Emergency Communications vehicle as coordinated through EMD

#### *General Services Division*

- Temporary offices for damaged state buildings, field offices for responding agencies
- Provide lists of vehicles (4X4's, etc), which may be available to assist at an incident
- State courier services

#### 300.145.5.7 Civil Air Patrol

- Providing fixed-wing aircraft for aerial surveillance, reconnaissance, and for urgent airlift of personnel and supplies
- Providing real-time aerial videography (when available)

#### 300.145.5.8 Clemson University

- Provide laboratory analyses to identify contaminants such as pesticides (insecticides, fungicides, herbicides) in soils, vegetation, and to some extent, in water.
- Provide technical assistance with pesticides.

#### 300.145.5.9 Department of Corrections

- The Wateree River Correctional Institution can produce sandbags for use by DHEC during an emergency. DOC cannot supply transportation of the sandbags to their intended use site.
- DOC can supply correctional facility work crews for use in non-hazardous work areas.
- DOC can supply secure transportation for correctional facility work crews as well as for other dangerous populations (e.g. Department of Mental Health) during an emergency.

#### 300.145.5.10 Department of Health & Environmental Control (DHEC)

##### *DHEC - Office of General Counsel*

- Provide DHEC Staff with legal services including interpretations and advice and assist with Emergency Orders.

##### *DHEC - Media Relations*

- DHEC PIO will staff the Information Officer position in the ICS/UC (state), act as liaison to the DHEC Commissioner's Office, and provide staff and participate in the Joint Information Center.

##### *DHEC - Information Resources*

- Installation of special phone and fax lines at field command posts as needed.

##### *DHEC - Photography Department*

- Provide photographic services to include the use of photographer and darkroom for photographic documentation of an incident, as needed.

##### *DHEC - Video Department*

- Provide the use of studio for video teleconferencing and video documentation of incidents.

*DHEC - Business Management/Finance*

- Provide support and guidance on procurement.

*DHEC - Office of Ocean and Coastal Resource Management*

- Provide technical assistance, Provide Global Positioning Systems, coastal data, and regulation consultation.

*DHEC - Environmental Quality Control (EQC), Administration & Health Hazard Evaluation*

- Provide support and guidance on procurement, technical assistance, provide health advisories to the public, and conduct public health assessments.

*DHEC - Environmental Quality Control (EQC-BLWM) Emergency Response Section*

- Provide technical assistance on identifying areas that may contain hazardous materials. Review files submitted by industry to DHEC regarding presence of chemicals covered under the EPCRA (Emergency Planning and Community Right To Know Act) Tier II program (computer accessible).
- Provide and/or coordinate technical assistance on hazards associated with chemicals known to be present in the disaster area.
- If needed, provide technical assistance on hazardous material recognition and identification.
- Work to control and contain a hazardous material release to protect public health and/or the environment through coordination of responsible party responses or the use of Federal/State contractors.

*DHEC – Bureau of Environmental Services, District Services*

- Provide support from Shellfish Officers, equipment (i.e. watercraft and vehicles), and laboratory support via district laboratories.

*DHEC – Bureau of Environmental Services, Laboratory*

- Provide real-time air monitoring, technical assistance, and 24-hour analytical support service.

*DHEC – Bureau of Air*

- Provide technical assistance through staff engineers and meteorologist, and will provide air modeling.

*DHEC - Bureau of Water, Drinking Water*

- Provide technical assistance, act as liaison for drinking water intakes, provide drinking water sampling and water system information on G.I.S.

*DHEC - Bureau of Water, Biological Monitoring*

- Provide biological assessments, collect tissue for analysis, water quality monitoring, shoreline assessment issues, and watercraft.



*DHEC - Bureau of Land and Waste Management, Waste Assessment Section*

- Provide technical assistance on waste disposal issues, technical assistance for field sampling and monitoring, and provide backup for the ERT.

*DHEC - Bureau of Land and Waste Management, Infectious Waste*

- Provide trained responders for infectious waste, an infectious waste cleanup contractor, and technical assistance on infectious waste issues.

*DHEC - Bureau of Land and Waste Management, Solid Waste*

- Provide consultation and monitoring for solid waste issues and regulations.

*DHEC - Bureau of Land and Waste Management, Hazardous Waste*

- Provide Emergency Hazardous Waste Treatment Permits, data and information on RCRA facilities and generators, and regulation consultation.

300.145.5.11 Forestry Commission

- Provide equipment to aid in site access, debris removal, containment dams, diversion ditches, equipment transport, material handling, refrigerated transport, fire protection in flooded areas, cargo transport in rough terrain, passenger transport in rough conditions (ice, snow, flood, forested areas).
- Provide single engine, fixed-wing aircraft with pilot to assist with emergencies: recon, search and rescue, flooding, fire, evacuations, weather events, transportation of materials and supplies, communication assistance.
- Incident Management Teams to manage emergency incidents, receiving and distribution centers, small and large incidents.
- Provide hourly weather data from automated weather stations
- Provide statewide emergency radio communications through three Dispatch Centers with 24 repeaters.
- Damage assessment of forested areas and urban trees.

300.145.5.12 Department of Labor, Licensing and Regulation (LLR)

*LLR - Division of Labor*

- Provide standards interpretations

*LLR - Office of the State Fire Marshal (SFM)*

- The SFM will offer support during hazardous materials incidents under ESF 10 by acting as liaison between local fire departments and the DHEC On-Scene Coordinator. The SFM will request through ESF-4 to utilize the Firefighter Mobilization Act of 2000 to help obtain additional fire and rescue resources.
- The SFM will coordinate the collection and securing of containers of liquefied petroleum gas (LPG) and insure that LPG facilities of concern are assessed post disaster in order to minimize any potential releases.
- The SFM will provide and coordinate the required training of local fire departments if

such fire department's assistance is required during hazardous materials incidents under this ESF.

*LLR - State Fire Academy*

- Chlorine Kits (Sizes A, B, C )
- Standard Fire and Hazmat Equipment used in training
- Lodging - Dormitory with Cafeteria (120 capacity)  
(Breakfast and lunch normally – Dinner meals will be made available with advance notification.)

300.145.5.13 Department of Natural Resources

- Provide technical advice and assistance on wildlife and environmentally sensitive areas of the state.
- Provide ATV's, boats, and four-wheel drive vehicles to aid in the investigation of spills and releases.
- Provide aircraft for air surveillance and transportation of essential personnel and environmental samples.

Fish kills are of a mutual concern for both DHEC and SCDNR. Since fish kills are an indicator of water quality during spill events, SCDNR will notify the DHEC duty officer (via the 24 hour emergency telephone number) of any and all current fish kills that it is aware of. On the other hand, since fish kills are of great concern to the SCDNR, DHEC will notify SCDNR of any and all fish kills that it is aware of via the 24 hour Game Theft Hotline (1-800-922-5431). If reported fish kills are communicated in this manner, both agencies will be able to have their district level personnel work out the details as to how the investigation will take place.

300.145.5.14 State Ports Authority

The SPA has operations in the ports of Charleston, Georgetown, and Port Royal. Charleston operates four separate terminals; Columbus Street, Union Pier, North Charleston, and Wando Welch.

- SPA can supply short-term fenced or warehouse storage for large spill equipment.
- SPA can supply access to multi-ton loading cranes for certain waterfront tasks.
- SPA can supply technical assistance with oil spills or HAZMAT releases in the port area.

300.145.5.15 Department of Public Safety (DPS)

*DPS - Highway Patrol*

- Transportation of samples and personnel.
- Traffic and crowd control.

*DPS - State Transport Police*

- Technical support on transportation of HAZMAT (over-the-road transportation) and technical support and investigations on transporters of HAZMAT.

### 300.145.5.16 State Law Enforcement Division (SLED)

SLED coordinates all Law Enforcement response for MAJOR incidents.

- Provide aircraft for surveillance and transportation of essential personnel.
- Law enforcement for criminal investigations of arson, releases, etc.
- Backup laboratory services for environmental and other samples.
- WMD/Terrorism response assistance

### 300.145.5.17 Public Service Commission (PSC)

- Provide technical support on intrastate pipelines and interstate pipeline inspections.
- Provide technical support and safety inspections of rail cars and motors.

### 300.145.5.18 Department of Transportation (DOT)

- Provide equipment and devices for traffic control.
- Provide heavy equipment to contain and/or divert released HAZMAT.
- Provide DOT vehicles that have interagency radio communications. Most district supervisors also have equipment and materials to construct under-flow and over-flow dams.
- Provide heavy equipment to gain access to release sites.

The DOT does not perform spill cleanup on highway right-of-ways. However, the DOT continues to have a large amount of equipment available for assistance in such matters. In the event of a major spill, the DOT State Maintenance Engineer should be notified. Sand can also be obtained to stabilize small spills of petroleum products. If assistance is needed on a minor spill, the Resident Maintenance Engineer in the effected county should be notified.

### 300.145.6 Other Interest Groups.

In addition to the involvement of the State and Federal Agencies previously mentioned, private industry and other organizations have an interest in the occurrence of pollution incidents and in some cases, possess capabilities for response action. These groups that exist on the National, Regional, State, or local level are indicated below:

American Red Cross  
American Petroleum Institute  
Chambers of Commerce  
Humane Society of the United States  
Local State Universities and Colleges  
National Audubon Society  
Sierra Club / Isaac Walton League  
State Environmental Groups  
Local Emergency Preparedness Agencies  
Disaster Preparedness Office  
Local Fire and Emergency Medical Services  
Local Law Enforcement Agencies

### 300.150 Worker health and safety.

Response operations will comply with the EQC Procedures Manual, Emergency Response Program.

### 300.155 Public information and community relations.

Past experience on major spill incidents has emphasized the need for a thorough, well-established public information effort that provides factual information to all concerned media and individuals in a timely manner. Therefore, it is essential that this plan include guidelines concerning media relations.

300.155.1 General. When a pollution incident occurs, the public should be provided with timely, accurate information on the nature of the incident and the steps being taken to cope with the problem. This policy is designed to prevent misunderstandings with the public and to foster cooperation with interested and potentially effected parties.

This section provides the necessary guidelines and procedures for establishing responsibility in the preparation and release of information regarding spills incidents. This section will be implemented at the level directed by the SOSC.

300.155.2 Initial Public Information. In the event of a significant spill incident, the SOSC will contact the Office of Public Affairs in DHEC who will develop and coordinate all news releases for the State. Once contact is made with the Office of Public Affairs, the SOSC will go over all events that have transpired thus far. In the event contact cannot be made with this office, then the SOSC may make the necessary news releases. If it is known that the cleanup effort will go on for some time, a schedule of regularly held press conferences may be established and conveyed to the media.

### 300.155.3 Public Information Specialist.

300.155.3.1 When deemed necessary by the SOSC, the Office of Media Relations will assign a professional public information specialist to establish and direct a news office at Command Post.

Agencies participating in the response may be required to provide staff to assist the public information specialist and to establish and direct a news office at the DHEC Command Center. The public information specialist shall maintain liaison with participating agencies, including other State government press offices, any Federal Public Information Office, the media and concerned parties and industries.

The public information specialist shall report to the SOSC or his/her designee and shall be responsible for preparing news releases and for clearing them with the SOSC.

300.155.3.2 In the event of a spill incident, it is essential that the SOSC through the Office of Public Affairs prepare a listing of all local news media. This list should include radio, TV, and wire services. This list should also include the phone numbers for access to the news desk of each local media, along with individual contact names. An informative news release should be prepared and furnished to the media, which summarizes the responsibilities of the SOSC, indicates the statutory basis for these responsibilities, discusses local liaison and coordination

with Federal and local agencies and groups, and provides a contact within the staff of the SOSC where additional information can be obtained.

#### 300.155.4 Subsequent Spill Incident Public Information.

Additional information of the progress of the cleanup effort should be relayed via a regularly held press conference, or through the release of regularly scheduled news releases. If operations permit, these press conferences may be held at the actual cleanup site or in close proximity.

300.155.4.1 Press Releases and Interviews. The release of public information after meetings of the DRT, SRT, and for any major policy consideration, shall be directed and coordinated by the DHEC Division of Media Relations and the SOSC.

#### 300.160 Documentation and cost recovery.

In very unusual circumstances, the containment and cleanup of a spill may be done by DHEC. If a spill is from either an unknown source or if the spiller is unable or unwilling to take the proper actions to contain and/or remove the spill, the SOSC has the authority to activate any or all portions of the State Emergency Response Team and/or activate the State Emergency Response Contractor in order to accomplish spill containment and cleanup activities. Personnel from other State or Federal Agencies and/or private spill cleanup contractors may also be requested to assist in the containment and cleanup of the spill.

Once cleanup operations have been completed and the spiller has been identified, DHEC will initiate actions as specified under §48-43-530 and/or §44-56-200 of the South Carolina Code of Law, 1976, as amended, to recover all cost incurred by the State. Reimbursement of funds expended by the State in these cases can originate from one of two sources. First, DHEC can recoup cleanup cost for hazardous substances spills as specified in §44-56-200 (South Carolina Hazardous Waste Management Act) or §48-43-500 (South Carolina Oil & Gas Act) of the South Carolina Code of Law, 1976, as amended. Secondly, if the pollutant is an oil and enters or threatens to enter navigable waters of the U.S., the Federal Oil Spill Liability Trust Fund (Oil Pollution Act of 1990: as established by Section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509)) can be used. §48-43-560 of the South Carolina Code of Law, 1976, as amended specifies the use of these funds prior to state money being expended.

The Oil Spill Trust Fund can only be used in cases, where the spill reaches or threatens United States navigable waters. If the spill does not reach or threaten to enter waters of the State, the SOSC will request equipment and personnel from the ERT and other State agencies to assist in the containment and cleanup. Careful accounting of the cost of manpower and equipment will be kept by each agency participating in the spill cleanup. When the spiller is identified, the funds expended in cleanup efforts will be recovered from the spiller.

§48-43-560 of the South Carolina Code of Law, 1976, as amended, authorizes the use, by the SOSC, of private cleanup contractors in cases of spills of unknown origin or spills not being properly cleaned up by the spiller. However, no funds have been appropriated by the State

legislature to fund this action.

The State will also pursue cost recovery on significant spills to offset operational cost for monitoring and documenting those spills.

State agencies that participate during an incident should submit all costs incurred on a daily basis to the SOSC. These costs should include personnel and equipment used and should include a dollar value for use per hour. The SOSC will maintain a supply of the appropriate cost tracking forms for distribution. The SOSC will be responsible for seeking reimbursement from a Potentially Responsible Party (PRP) or from any federal funds available.

300.160.1 Local Governments should refer to 40CFR Part 310, Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases; Final Rule. Under this rule local governments are required to notify the FOSC of the incident within 24 hours, in order to be eligible for any cost reimbursement.

300.160.2 Local Governments should contact the USCG National Pollution Funds Center for information on claim reimbursement for oil pollution incidents. The SOSC may be contacted for assistance and guidance on cost recovery for oil pollution incidents.

Copies of all applications for cost reimbursement by local governments/agencies should be sent to the SOSC to assist in calculations of total cost per incident.

300.165 OSC reports. The SOSC will ensure that each discharge or release is documented by a spill report. The report should document the initial information received and the resulting actions undertaken by the Department and other responding parties. The report should also record the situation as it developed, the actions taken, the resources committed, and the problems encountered. The official record keeping system used for these reports will be the Environmental Facility Information System (EFIS).

#### 300.170 Federal agency participation

Throughout the Federal government, there are many agencies with capabilities that can be utilized during a spill event. Listed below are some that can provide assistance:

- U.S. Coast Guard
  - DOT (USCG)
  - USCG Research and Development Center
  - USCG Oceanographic Unit
  - Emergency Port Tank Forces
  - USCG District Office Assistance
  - NOAA
  -
- Environmental Protection Agency
  - Oil and Hazardous Materials Technical Assistance

- Department of Interior
  - U.S. Fish and Wildlife Service
  - U.S. Geological Service
  - National Park Service

Request for federal assistance will be made by the SOSC for appropriate action through the FOSC or the Regional Response Team. Coordination of federal actions that effect the state's response actions will be accomplished by the SOSC.

300.175 State agencies: additional responsibilities and assistance.  
[Reserved]

300.180 Local participation in response.

Within the 46 counties of South Carolina there are many agencies with capabilities that can be utilized during an incident. County and local governmental agencies have extensive knowledge of industrial sites, special populations, waterways and transportation routes, and areas of local concern within their jurisdiction. These agencies may also have resources that can be utilized during an incident. Some examples of these resources are listed below.

- 1) County and local government
  - a) Fire Department
    - i) Apparatus - tankers, pumpers, ladder trucks, etc.
    - ii) Specialty equipment - ladders, jacks, extrication equipment, etc.
    - iii) HAZMAT teams
  - b) Emergency Medical Services
    - i) Ambulances, medics, etc.
  - c) Law Enforcement
    - i) Aircraft
    - ii) Bomb trucks
  - d) Other agencies
    - i) Water/wastewater Departments
    - ii) Sanitation Departments
    - iii) Animal Control
    - iv) Road Maintenance

Request for assistance from these agencies will be made to the SOSC through the Unified Command System. The SOSC and the Unified Command System will accomplish coordination of actions that affect the state's response. The SOSC will ensure that appropriate local representation of local response agencies is represented at the command level of the Unified Command System.

300.180.1 County Civil Defense Offices or Emergency Preparedness Divisions.

Quite often the County Officials will be called to the scene when a spill or emergency situation arises. The County Officials can be an excellent source for obtaining local manpower,

equipment, and accessing local knowledge.

### 300.185 Nongovernmental participation

[Reserved]

#### 300.185.1 Commercial/Industry Capabilities

Within the general area of South Carolina there are private companies that have the capability and expertise to cleanup oil and hazardous substance spills. The SOSC updates and maintains an Cleanup Contractors List. This list, which is updated and maintained by the SOSC, contains the names, addresses, and telephone numbers of cleanup contractors, analytical laboratories, disposal facilities, and supply and equipment vendors. It is the purpose of this list to give spillers a starting point for response resources. The list should not be construed as a recommendation for these vendors by this agency. The contractors listed were surveyed by letter with a standard questionnaire and the results of the survey were not verified by this department.

#### 300.185.2 Special Interest Capabilities

[Reserved]



## **Subpart C - Planning and Preparedness**

### **300.200 General**

Past experience has shown that, to be effective, it is essential that contingency planning for any pollution incident include a thorough consideration of pertinent and related factors, an analysis of pollution incident situations which could be created by these factors, and the development of a comprehensive plan to respond to these situations should they occur. It is also essential that effective contingency planning include maximum participation by those agencies, groups, and individuals who will be most directly involved with, and effected by a spill situation.

In consonance with the approach outlined above, the following paragraphs discuss the primary factors that have been considered in the development of this Plan. The factors discussed herein should not be considered as all inclusive since there are a number of significant factors that could arise for a given spill incident.

### **300.200.1 History of Spill Incidents**

In comparison with many other states, South Carolina has had a relatively small number of spills within its boundaries. Also, the volume of product involved in these spills has been relatively small in comparison to other states.

The largest petroleum spill in the state occurred in July 1996. This one incident resulted in the release of approximately 900,000 gallons of #2 fuel oil into the Reedy River. The largest hazardous substance release was a 10,000,000-gallon spill of sodium cyanide and heavy metal wastewater solution into the Little Fork Creek in October 1990.

Three distinct geographical regions exist in South Carolina. The Piedmont region, the Midlands region, and the Coastal region comprise a highly diverse topographical environment. Throughout the state, within each region exist many vulnerable and sensitive environmental areas ranging from upland trout streams in the Piedmont, extensive riverine systems in the midlands and estuarine/marsh ecosystems along the coast.

Diverse socioeconomic consideration within each region such as: recreation, industrial, agricultural and shipping coupled with a past history for catastrophic natural disasters, (i.e. tornadoes and hurricanes) renders the State susceptible to a number of potential incidents that could result in significant public health and environmental impacts. The potential for a detrimental release to the environment requires the State to maintain a broad encompassing contingency plan that must be applicable to a wide range of spills.

The plan addresses, but is not limited to, releases to the environment ranging from a massive open ocean spill moving into sensitive estuarine/marsh ecosystems to the large inland industrial chemical release in a densely populated area. It must also include plans for addressing the small spills such as transportation related incidents right down to the local service station spill.

### 300.200.2 Spill Response Equipment.

#### 300.200.2.1 State.

Spill response equipment is not limited to the specific items of spill containment and cleanup. It also includes equipment considerations relating to transportation, communications, and disposal of waste materials. While it is not economically feasible for DHEC to stockpile such related equipment, it is absolutely essential that their locations and availability be specifically established.

The spill containment and cleanup equipment along with other resources that are available to DHEC personnel is considered adequate for most of our initial response actions. This equipment is located in the district offices along with additional equipment that is available from the Central Office ERT and contracted resources. There are alternate sources available for subsequently obtaining additional equipment, which are discussed in Section 300 of this Plan.

#### 300.200.2.2 Federal.

The SOSC, during any spill event that the spiller will not or cannot undertake a proper response, should request assistance or Federalization of the spill to the proper predesignated FOSC.

#### 300.200.2.3 Responsible Party.

In South Carolina the spiller (or the property owner if the spiller cannot be identified) is responsible for locating all necessary spill response contractors, equipment, etc. that is needed for a complete cleanup of the site. As a resource, the SOSC maintains a cleanup contractor list. The list shall not be construed as an endorsement of the contractors contained therein. The list is simply a collection of contractors statewide that do spill response work, their location, equipment, and contact numbers. The list should not be considered complete. The SOSC will not recommend nor endorse any firm, its services, or products.

### 300.200.3 Hydrological and Climatological Effects.

The moderate climate of South Carolina is typified by an absence of extended periods of extreme hot or cold weather. However, these extreme conditions are present for short durations in mid-summer and winter and must be considered in terms of their effects on the spilled substance and the personnel and equipment that are involved in the response action. For instance, high temperatures will result in less viscous oil and will allow for greater penetration of the oil into the soil. Climatological effects may also present significant problems to equipment during extremely hot weather conditions and the effects of hot, humid weather on personnel may result in a reduced effective working period.

#### 300.200.4 Surveillance.

Within the context of this Plan, the operational requirements for surveillance will depend on the circumstances surrounding each pollution incident. Evaluation factors should include the type and quantity of material spilled, location, direction and speed of movement, proximity to critical water use areas, and the availability of response resources. The decision to provide surveillance will be qualified by the type, extent and duration of the spill incident. This decision

will be re-evaluated as the situation progresses.

#### 300.200.5 Usage of Spill Response Equipment

Those aspects that are generally true for all equipment designed to be used in an effective emergency action are essentially true for spill response equipment. That is, the effectiveness of the equipment is directly related to the knowledge and limitations of the personnel deploying and utilizing the equipment. Therefore, it is essential that personnel working with the equipment be thoroughly trained. A good portion of the knowledge can be obtained from the manufacturer's instructions, however, there is no substitute for the first hand knowledge that comes from experience. The SOSC will maintain appropriate equipment manuals, as needed, for the spill response equipment in inventory at DHEC.

#### 300.200.6 Training Exercises

Training exercises with cleanup and containment equipment involving removal from storage, transport, deployment, simulated usage, retrieval, cleaning, maintenance, and return to storage are planned. These training exercises will involve local industry, governmental agencies, and other interest groups to the maximum extent possible. Actual drill telephone notification, movement and deployment of equipment, and meetings with concerned personnel will be included. It is through such face-to-face encounters before a spill incident occurs that many potential problems based on lack of knowledge and misunderstandings can be mitigated or eliminated.

#### 300.200.7 Other Hazardous Substances

All of the planning factors discussed heretofore are equally applicable to oil and hazardous substances. In fact, the need for effective contingency planning is greater in the case of certain other hazardous substances due to the possible severe life and health hazards that exist. The SOSC has at his/her disposal several valuable sources of hazardous chemical information systems. The Hazardous Substance Database (HSDB), Computer-Aided Management of Emergency Operations (CAMEO), and TRI-FACTS are available along with numerous other bound documents and computer files. These reference sources are a valuable asset both in planning and executing response actions to hazardous substance spills and releases.

#### 300.200.8 Liaison Prior to the Spill Incident

Contact should be established with the appropriate offices of local government prior to a spill incident. Knowledge of access roads, support facilities, rural areas, water intakes, property ownership and access, etc., can usually be obtained readily when the local agency has been previously advised of the duties and responsibilities of the SOSC and thus the need for this information. DHEC is working with Federal and local agencies in developing their response plans.

#### 300.200.9 Liaison with Special Interest Groups

Also of importance is the establishment of liaison with the local special interest groups. In as much as those groups represent the interest of the local community, they will have a strong interest in the progress of any significant spill incident and may have some important input

regarding the conduct of cleanup operations and other spill related procedures. Such groups would include the local environmental, historical, and other special interest groups. These organizations often consist of personnel well versed in the ecological and detailed geographical aspects of the local area. Many are often long time residents of the area and possess invaluable knowledge of the impact of response actions or alternatives that may need to be considered. All of these local agencies and groups should be identified in the LEPC (Local Emergency Planning Committee) contingency plan with the appropriate telephone number and cognizant contact individual. Coordination of the actions of the various special interest groups will be the responsibility of the SOSC. Request for information or assistance will be made to the SOSC for appropriate action.

#### 300.200.10 Liaison During the Spill Incident.

Initial contact should be made with local government as soon as possible. Coordination of media information is important to disseminate information concerning the incident to the public. It is advisable that a single release of public information concerning the spill situation be made from the SOSC. However, local public officials may desire to hold their own press conferences, therefore, a sound working relationship should be established by coordinating the release of public information with these offices. A separate briefing on the situation for local government officials may also be in order and the appropriate contact for the obtaining of further information should be provided. Any request for local assistance should be initiated through the ICS/UC approach.

#### 300.205 Planning and coordination structure.

[Reserved]

#### 300.210 Federal contingency plans.

[Reserved]

#### 300.211 OPA facility and vessel response plans.

[Reserved]

#### 300.212 Area response drills.

[Reserved]

#### 300.215 Title III local emergency response plans.

[Reserved]

#### 300.220 Related Title III issues.

[Reserved]

## **Subpart D - Operational Response Phases for Oil Removal**

### 300.300 Phase I - Discovery and notification

[Reserved]

#### 300.300.1 General

The Emergency Response Program of the South Carolina Department of Health and Environmental Control shall, upon notification of a spill or release, initiate an immediate response action to assist at the spill site and notify all other appropriate local, State and Federal Agencies.

Notification of this reporting procedure and appropriate telephone numbers shall be distributed to all county EPD offices, state government agencies, as well as industries.

300.300.2 In accordance with §48-43-550 of the South Carolina Code of Law, 1976, as amended, (as well as other applicable State statutes and regulations) effective June 13, 1977, verbal reports of oil or other hazardous substance spills are to be made to the South Carolina Department of Health and Environmental Control at (803) 253-6488 or toll-free at (888) 481-0125. In accordance with applicable Federal laws and regulations, verbal reports of oil or hazardous substances discharges can be made to the National Response Center via their toll free telephone number (800) 442-8802. These reports will then be forwarded to the cognizant pre-designated FOSC and SOSC for investigation and appropriate action. As required by State and Federal statutes and regulations, follow-up written reports will be required of responsible parties.

300.300.3 In the event of a spill/release as much pertinent information as possible should be relayed to the proper authorities. This information should include the following:

1. Location
2. Soil, air, or water effected (name of body of water)
3. Source (i.e. tanker truck overturned)
4. Time/date and when it was discovered
5. Name of substance and estimated quantity
6. Nature and potential danger of material
7. Anticipated movement of spill/release
8. Responsible party(s) (address, phone number, and contact point)
9. Action already taken and anticipated
10. Weather conditions at spill site

### 300.305 Phase II - Preliminary assessment and initiation of action

[Reserved]

#### 300.310 Phase III - Containment, countermeasure, cleanup, and disposal

The State On-Scene Coordinator shall be responsible for the overseeing of the containment, cleanup, and proper disposal of the spilled material. The SOSC shall work closely

with the Waste Assessment Section of the Bureau of Land and Waste Management of the South Carolina Department of Health and Environmental Control to insure cleanup and proper disposal of waste is accomplished.

#### 300.310.1 Spill Containment and Cleanup.

It is the responsibility of the spiller to properly contain and cleanup the spill in a timely and diligent manner. Containment involves building dikes, deploying booms and other barriers to prevent the spread of the pollutant, limiting access to only authorized persons if a hazardous situation exists, and other measures to minimize risk to public health and environmental damage.

Removal of the spill material from the site usually involves physical measures such as skimmers, sorbent materials, and other mechanical means of removal. Vacuum (VAC) trucks are an ideal means of removing quantities of the pollutant pooled behind a barrier, with the exception of pollutants with a very high or very low viscosity. In situations where extreme fire danger or other unusually hazardous circumstances exist or severe environmental damage may result from physical cleanup, other cleanup methods may be employed as approved by the SOSC.

#### 300.310.2 Disposal.

The DHEC Bureau of Land and Waste Management regulate the land disposal of wastes resulting from spillage of oil and other hazardous substances. There are two regulations pertaining to the disposal of wastes in South Carolina. They are:

- Regulation 61-107, Solid Waste Regulations
- Regulation 61-79, Hazardous Waste Management Regulations

These regulations require that all systems utilized for land disposal of wastes, both hazardous and non-hazardous, in South Carolina have a written permit issued by DHEC prior to construction and operation. Sanitary landfills are designed to accommodate general solid waste and compatible types of industrial waste. Industrial landfills may be designed to handle general industrial waste or specific types of industrial refuse. On the other hand, hazardous waste landfills are permitted to handle a wide range of waste streams. Depending upon the nature of the waste involved in a spill, an existing landfill may or may not be capable of accepting the waste for disposal. If not, then an acceptable alternative must be sought.

Prior to initiating any disposal actions, the local District Hazardous Waste Consultant must be contacted. A Consultant is located in each of the EQC District offices (see Appendix B). The consultant can provide information on locating a suitable landfill disposal site and information on appropriate landfill officials to contact. In determining disposal options it is necessary to obtain information pertaining to waste characteristics. Such information should include quantity, chemical composition, and any other chemical, physical, or biological properties that will aid in evaluation of the waste.

The Hazardous Waste Management Regulations require generators of wastes to make a determination as to whether that waste is hazardous or non-hazardous. A waste may be hazardous

either because it is specifically listed or because it meets one of the characteristics (ignitability, corrosivity, reactivity, or toxicity) of a hazardous waste, as described by the regulations. Xylene is an example of a listed hazardous waste. Leaded gasoline would meet the characteristics of both ignitability (flash point less than 140° F) and toxicity (greater than 5 ppm lead and greater than 0.5 ppm benzene as determined by the TCLP (toxicity characteristics leaching procedure)).

If the waste is hazardous, the generator must submit a notification (EPA Form 8700-12, Notification of Hazardous Waste Activity Form) to the Department. While the generator arranges (through an authorization process) for a permitted facility to treat, store, or dispose of the waste, he must assure that the wastes are properly containerized, labeled, and secured. A permitted hazardous waste transporter must transport the waste under a manifest system to the authorized facility. The generator must keep records, and a quarterly report must be filed with the Department. When recovered and reused, wastes are excluded from regulation. However, full compliance is required up to the point of reuse. Lists of permitted waste facilities and transporters can be obtained from the Bureau of Land and Waste Management.

Non hazardous wastes are not as stringently regulated, but while disposal is being arranged with a properly permitted facility and while disposal approval is being obtained from the Department, non hazardous wastes must be stored in a manner that prevents health and safety problems and releases to the environment. Disposal options vary with the nature and amount of the waste, and include use in asphalt manufacturing, cement manufacturing, use in brick manufacturing, use as a fuel in an industrial boiler, incineration, disposal in a permitted wastewater treatment facility, and disposal on a permitted landfill. The State operates no commercial disposal facilities, and disposal approvals will always be contingent on the facility's acceptance of each waste. Therefore, the generator must obtain agreement to accept the waste from the facility prior to applying to the Department for approval. Waste management and transportation companies are familiar with changing regulations in South Carolina. Sometimes these companies are also equipped to arrange for short-term storage while disposal options are pursued.

In general, only very lightly oiled soil or absorbent material may be land-filled. "Very lightly oiled" is considered to be less than 100 ppm of TPH (total petroleum hydrocarbons) for fuel oils, or less than 10 ppm of benzene, toluene, ethyl benzene, and xylene for more volatile petroleum products. More heavily oiled wastes must be burned in cement kilns, industrial boilers, or incinerators; or used in asphalt or brick manufacturing. Asphalt plants prefer oily soil to other absorbent. Cement kilns and industrial boilers prefer oily absorbent with high fuel value. Various incinerators are designed for liquid or solid feeds. Oily water, especially with pretreatment to recover product, may be suitable for disposal in wastewater treatment facilities. Each facility has different criteria for acceptance, but the minimum testing required would include:

- Oily Water - TPH, BTEX, Flashpoint
- Waste Oil w/ Soil - TPH, TCLP Metals, TOX (Total Organic Halogens)

A list of landfills, incinerators, wastewater treatment facilities, and asphalt, cement, and

brick manufacturers are available through the Department's Waste Assessment Section.

In order for a waste to be accepted into a wastewater treatment facility, it must meet conditions imposed by the General Pretreatment Regulations (Section 403 of the Federal Water Pollution Control Act, as amended). It must be in accordance with a pretreatment program developed by the facility and approved by the Department. It also must be in accordance with the Department's approval for transportation of that waste to the facility. The facility may impose additional restrictions and conditions as allowed by sewer use ordinance.

In order for a waste to be accepted into a non hazardous waste landfill, the generator must have determined the waste to be non hazardous, and the landfill which is to receive the waste must have had either a permit from the Department for disposal of that specific waste, or an approval from the Department on a case by case basis. The generator of the waste, with the assistance of the landfill operator and the waste hauler, provides information about the waste to be used to apply to the Department for disposal approval. In the approval, special conditions may be imposed, as needed, to allow for proper management of the waste. The landfill may impose additional restrictions and conditions, or may decline to accept the waste.

Acceptance of non-hazardous waste at asphalt, cement, and brick manufacturing facilities must be in compliance with applicable permits and with specific disposal approval from the Department.

Federal and state legislation in the area of hazardous wastes has impacted the procedures involved in disposing of spillage material. The Resource Conservation and Recovery Act of 1976 (PL 94-580) and the South Carolina Hazardous Waste Management Act (§ 44-56-10 et seq. of the South Carolina Code of Law, 1976, as amended) ensure, as one of their major objectives, the proper "cradle to grave" management of hazardous wastes.

Regulations pursuant to these laws established requirements for the proper identification, transportation, storage, treatment, and disposal of hazardous wastes. However, in some situations, the SC Hazardous Waste regulations do allow the SOSC/DOSC to waive certain manifest and shipping requirements under R.263.30(b) and to issue a verbal Emergency Hazardous Waste permit under R.270.61 for treatment, storage and/or disposal of a hazardous waste when there is an imminent and substantial endangerment to human health or the environment. The SOSC/DOSC will assure that final disposal of hazardous waste involved in a spill is completed in a manner approved by the Department.

One very important disposal issue is that of deceased wildlife. There are set procedures in the Natural Resource Damage Assessment (NRDA) process for wildlife damage assessment. Therefore, no deceased wildlife of any kind should be disposed of prior to consulting with the SOSC and/or South Carolina's Natural Resource Trustees.



300.310.3 Salvage and Recovery.

Salvage and recovery of the material involved in a spill may be a feasible alternative depending on the extent of damage and the contamination incurred by the material. Salvage or recovery of a spilled material will be encouraged.

300.315 Phase IV - Documentation and cost recovery.

[Reserved]

300.317 National response priorities.

[Reserved]

300.320 General pattern of response.

[Reserved]

300.322 Response to substantial threats to public health or welfare of the United States.

[Reserved]

300.323 Spills of national significance.

[Reserved]

300.324 Response to worst case discharges.

[Reserved]

300.335 Funding.

[Reserved]

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## **SUBPART E - Hazardous Substance Response**

### 300.400 General

300.400.1 All requests for information on a hazardous substance involved in a spill will be directed to the State On-Scene Coordinator or his/her designee.

### 300.400.2 General Safety Rules for Handling Hazardous Materials Spills\*.

When a spilled material is not identified, assume that it is hazardous and the response community should:

#### **DO**

1. Rope off area, or otherwise prevent contact of anyone or anything with spilled material. If it is a gas, dust or volatile liquid, evacuate surrounding and downwind area. **DO NOT APPROACH THE SPILLED MATERIAL.**
2. Provide first aid, remove contaminated clothing, decontaminate with soap and water, and call local Emergency Medical Service (ambulance) for treatment and transportation to the most appropriate medical facility. Note which medical facility the victim is taken to.
3. In a safe manner, find out what the spilled material is.
4. Detain vehicle from which spill occurred. Note any contaminated cargo. Detain persons and property that have contacted material.
5. Report incident to fire, police and health agencies, and ask for assistance.
6. If spilled material is a threat to reach water, insure that down stream water users are notified.

#### **DO NOT**

1. Wash unidentified material off roadway into a waterway or sewer without official authorization.
2. Handle leaking container or go into cargo area without proper protective equipment (PPE - i.e. SCBA, chemical suit, etc.).
3. Walk in spilled material or otherwise contaminate skin, boots, clothing, or vehicles.
4. Allow vehicles to ride over spilled material.
5. Allow anyone to eat, drink, or smoke near the spill, or provide a source of ignition.

When spilled material is identified:

**DO**

1. Obtain expert advice on what the hazards are and deal with them accordingly. DHEC ERT, fire departments and chemical manufacturers can provide advice, assistance and information.
2. Keep ALL un-needed personnel away from spill site.
3. If spilled material is a threat to reach water, insure that down stream water users are notified.
4. Forward the name of the material to the hospital or doctor to which anyone was sent because of exposure.

**DO NOT**

1. Attempt to clean up any toxic substance without adequate PPE.
2. Wash any material into a waterway or sewer without official authorization.

\* The above rules are very basic. Unless the first arriving personnel have been trained, at a minimum, to the Awareness Level, they are not allowed to approach the area where the material is spilled. All responders to a hazardous substance spill or release **MUST** be trained (OSHA, 29 CFR Part 1910). Call the DHEC ERT at 253-6488 (24-hour number within the Columbia area) or 888-481-0125 (24-hour toll free number outside the Columbia area) in ALL cases of spilled or released hazardous substances.

300.400.3 In the event of a transportation accident in which a hazardous waste is involved in a spill, the shipper and/or the receiver will be contacted to assist in identifying all spilled material and cleanup of the material.

300.400.4 The State On-Scene Coordinator shall be responsible for initiating contingencies to activate the State Cleanup Contract. The contract will be activated for those situations where hazardous waste or suspect hazardous waste or hazardous substances have been dumped or abandoned with no identifiable responsible parties. The contractor will be responsible for a timely response, sampling, removal and disposal of materials as directed by the SOSOC or his/her designee. The State Emergency Cleanup Contract can also be used when an identified responsible party refuses to take appropriate actions to contain and cleanup a release. DHEC will pursue cost recovery against all identified potential responsible party.

300.400.5 All reports of spills or discharges of radioactive material received by the Emergency Response Section will be forwarded to the Nuclear Emergency Planning Section of DHEC.

300.405 Discovery and notification.

[Reserved]

300.410 Removal site evaluation.

[Reserved]

300.415 Removal action.

[Reserved]

300.420 Remedial site evaluation.

[Reserved]

300.430 Remedial investigation / feasibility study and selection of remedy.

[Reserved]

300.435 Remedial design / remedial action, operation and maintenance.

[Reserved]

300.440 Procedures for planning and implementing off-site response actions.

[Reserved]

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## **SUBPART F - State Involvement in Hazardous Substance Response**

### 300.500 General

[Reserved]

### 300.500.1 Law Enforcement - General

Law enforcement is one required area that cannot be overlooked throughout the response to a spill incident. Each of the federal, state, and local agencies on the scene may have investigative responsibilities relative to law enforcement and it is essential that these responsibilities be met. This is usually best accomplished by giving high priority to investigative efforts in the early phases of the response activity. In addition to the benefit of acquiring information while the facts surrounding the incident are fresh in the minds of all concerned, early investigative action may also avoid the problems later non-availability of witnesses and other evidentiary material. As has been repeatedly emphasized throughout this Plan, coordination of the many agency activities is required if actions taken are to be effective.

#### 300.500.1.1 Local or State Law Enforcement

In a spill situation involving a motor vehicle accident, the SOSC will work very closely with the STP, local or state law enforcement agency. The SOSC will notify the law enforcement officer-in-charge at the scene of his presence and the proposed actions needed to protect the public's health and the environment. The SOSC will make every effort not to interfere with the officer's investigation.

#### 300.500.1.2 Federal Law Enforcement

In those instances where Federal law enforcement is needed or required, the SOSC will contact the U.S. Coast Guard or the Environmental Protection Agency. The Federal On-Scene Coordinator will advise the proper federal agencies of the situation. See Section 300.500.2 for details on terrorism.

#### 300.500.1.3 Initial Investigation

In most instances, the DOSC will be the first DHEC representative to arrive at the scene. The DOSC shall direct the initial investigation effort. The initial investigation of the spill shall include the verification of spill information first reported, assessment of threats to public health, assessment of general environmental damage or potential damage, and initial contact with the spiller to begin containment and cleanup actions. Section 304 of this Plan goes into greater detail concerning the DOSC's responsibilities.

#### 300.500.1.4 Collection of Samples

It is essential that, in those cases where the identity of the source of the spill is not absolutely established, samples be obtained from all possible sources. Samples should be obtained from all possible sources of contamination even if it is unlikely that they are the sources of the immediate pollution problem. Sampling for documentation will be performed as requested by the SOSC or his/her designee. Procedures for collection for samples are covered in the DHEC EQC Environmental Investigations Standard Operating Procedures and Quality Assurance

Manual. The SOSC will coordinate any sampling requests with the Waste Assessment Section and the DOSC. Strict chain-of-custody protocols must be maintained for all samples collected.

#### 300.500.1.5 Chain of Custody.

The chain of custody for all evidentiary material must be clearly established upon obtaining the evidence and must be maintained. Transfer of evidentiary material from the SOSC to other agencies shall be clearly indicated through the use of chain of custody forms or the equivalent.

#### 300.500.1.6 Laboratory Results.

The results of any sampling shall be forwarded to the SOSC. The SOSC shall coordinate the submission of all samples to the appropriate laboratory for analysis and shall initiate request for further information desired. A copy of the analytical results on samples submitted will be forwarded to the DOSC involved in the spill incident for review and attachment to the spill report.

#### 300.500.1.7 Letter of Response.

Following the cleanup of the spill, either the ERT or the DOSC as needed does a final inspection of the spill site. If the cleanup is represented by the spiller to have been completed satisfactorily to prevent future environmental damage, a Letter of Response can be issued if the SOSC/DOSC concurs. This letter does not release the spiller from further liability to the Department with respect to spill cleanup. This letter does not and is not intended to release the spiller from further liabilities involving other state agencies, federal agencies, local response authorities, cleanup contractors, and/or effected property owners. The intent of the letter is to document DHEC's response for the spiller and concurrence that actions were taken to minimize public health and environmental threats. The letter will emphasize that the emergency phase of the incident has been completed and no further emergency actions will be required. Our letters should close by stating that if contamination becomes evident in the future, that further assessment and/or remediation may be required.

#### 300.500.1.8 Spill Incident Report.

Following the completion of spill cleanup to the SOSC's satisfaction, a formal written report of the spill investigation shall be completed. This report shall include, but not be limited to, a detailed, chronological description of the spill situation, the actions taken by the spiller in reporting, containing, and removing the spill, and initial observations of environmental damages due to the spill. A map of the spill site should be included in the report. Many times photographs may be of value in the report. The official record keeping system used for these reports will be the Environmental Facility Information System (EFIS).

#### 300.500.1.9 Letter of Release.

[Reserved]



### 300.500.2 Terrorism

Information in this section comes, in part, from the *Terrorism Incident Annex to the Federal Response Plan* and *Terrorism Incident Annex to the South Carolina Emergency Operations Plan* (Appendix F, Annex 25).

In June 1995, the White House issued Presidential Decision Directive 39 (PDD-39), “*United States Policy on Counterterrorism*”. PDD-39 directed a number of measures to reduce the Nation's vulnerability to terrorism, to deter and respond to terrorist acts, and to strengthen capabilities to prevent and manage the consequences of terrorist use of nuclear, biological, and chemical (NBC) weapons including weapons of mass destruction (WMD). PDD-39 discusses crisis management and consequence management.

The *Terrorism Incident Annex to the South Carolina Emergency Operations Plan* defines a process for a coordinated and efficient response to terrorism incidents within the state of South Carolina. The Annex establishes and develops policies and operations to define the roles and responsibilities of all federal, state, and local agencies involved in Crisis and Consequence Management. The Annex incorporates the coordination mechanisms and structures of appropriate state, county, city, facility, and business/industry plans into the overall response and assigns specific functional responsibilities to appropriate departments and agencies and identify the actions that these departments and agencies will take in the overall response in coordination with federal, state, and local agencies.

Crisis management includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. The laws of the United States assign primary authority to the Federal Government to prevent and respond to acts of terrorism; State and local governments provide assistance as required. Crisis management is predominantly a law enforcement response. Based on the situation, a Federal crisis management response may be supported by technical operations, and by Federal consequence management, which may operate concurrently.

Consequence management includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses and individuals affected by the consequences of terrorism. The laws of the United States assign primary authority to the States to respond to the consequences of terrorism; the Federal Government provides assistance as required.

#### Lead Agency Responsibilities

*Crisis Management.* PDD-39 validates and reaffirms existing Federal Lead Agency responsibilities for counterterrorism, which are assigned to the Department of Justice, as delegated to the Federal Bureau of Investigation (FBI), for threats or acts of terrorism within the United States. The FBI leads the federal Crisis Management effort with assistance from other federal, state, and local agencies as necessary. Under the SC Emergency Operations Plan, the lead State agency is the South Carolina Law Enforcement Division (SLED). The lead county agency is the local law enforcement agency designated in the county EOP. The Crisis

Management effort will be managed from the Joint Operations Center (JOC) when established, under the direction of the FBI's On-scene Commander (FBI OSC). Final authority to make decisions on-scene regarding the causes of the incident such as securing the scene perimeter, identifying and rendering weapons safe, and capturing terrorists rests with the FBI's OSC.

*Consequence Management.* PDD-39 states that the Federal Emergency Management Agency (FEMA) shall ensure that the Federal Response Plan (FRP) is adequate to respond to the consequences of terrorism. FEMA, with the support of all agencies in the FRP, shall act in support of the FBI in Washington, DC, and on the scene of the crisis, until such time as the Attorney General shall transfer the Lead Agency role to FEMA. FEMA retains responsibility for consequence management throughout the Federal response, and acts in support of the FBI as appropriate, until the Attorney General, in consultation with the FBI Director and the FEMA Director, determines that such support is no longer required. It is FEMA policy to use FRP structures to coordinate all Federal assistance to State and local governments for consequence management. Under the *SC Emergency Operations Plan*, the State of South Carolina and local agencies exercise the preeminent authority to make decisions regarding the consequences of terrorism. The lead State agency is the South Carolina Emergency Management Division. All actions will be coordinated with the FBI OSC. The federal government provides assistance as required and as requested by the State of South Carolina and local government agencies.

The SOSOC will act within a Unified Command structure for consequence management. The SOSOC must have an active liaison with SLED during the crisis management portion of the incident. This will assure that all state resources are being tracked and used to their best capability during an oil or hazardous substance release associated with a terrorist act.

In April 2001, SLED and DHEC entered into a Memorandum of Agreement creating a Weapons of Mass Destruction Response Team. This WMD Response Team will respond to all WMD related calls exclusive of day-to-day HAZMAT, bomb, or arson calls. A copy of this Agreement is attached in Appendix F.

300.505 EPA / State Superfund Memorandum of Agreement (SMOA)

[Reserved]

300.510 State assurance

[Reserved]

300.515 Requirements for state involvement in remedial and enforcement response

[Reserved]

300.520 State involvement in EPA-lead enforcement negotiations

[Reserved]

300.525 State involvement in removal actions

[Reserved]

## **Subpart G - Trustees for Natural Resources**

### 300.600 Designation of federal trustees.

[Reserved]

### 300.605 State trustees.

[Reserved]

### 300.610 Indian tribes.

[Reserved]

### 300.612 Foreign trustees.

[Reserved]

### 300.615 Responsibilities of trustees.

[Reserved]

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## **Subpart H - Participation by Other Persons**

300.700 Activities by other persons.

[Reserved]

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## **Subpart I - Administrative Record for Selection of Response Action**

300.800 Establishment of an administrative record.

[Reserved]

300.805 Location of the administrative record file.

[Reserved]

300.810 Contents of the administrative record file.

[Reserved]

300.815 Administrative record file for a remedial action.

[Reserved]

300.820 Administrative record file for a removal action.

[Reserved]

300.825 Record requirements after the decision is signed.

[Reserved]

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## **Subpart J - Use of Dispersants, Other Chemicals and In-Situ Burning**

### 300.900 General

[Reserved]

### 300.900.1 Dispersant Use In Coastal Waters

The State has established a procedure that will be instrumental in the decision making process for dispersant approval in South Carolina coastal waters. From the combined efforts of SCDHEC, SCDNR, and OCRM, the State has developed a list of information that will be needed in order to make an event-specific decision on dispersant use that would be in the best interest of the State of South Carolina.

The following is a listing of the information that will be required should a situation arise where dispersants are a viable response tool for a specific spill:

- (a) Location of spill?
- (b) What kind or type of oil was released?
- (c) How much was spilled?
- (d) What is the source of the spill?
- (e) What habitats will be threatened? (i.e., estuaries, marshes, beaches, refuges, open ocean, etc.)
- (f) What is the trajectory of the oil slick? What land areas will likely be affected?
- (g) Depth of water under slick?
- (h) Which dispersant is desired for use?
- (i) At what application rate would the slick be treated and how would it be applied?
- (j) What is the expected effectiveness of the dispersant?
- (k) How long of a window of opportunity do you expect for application of the dispersant?
- (l) If approved for full scale or trial application, what is the schedule of operation?
- (m) Why is the use of dispersant proposed over using conventional physical containment measures such as ocean booms, skimmers, etc.?
- (n) Toxicity data for dispersant to be applied. Any toxicity data available should be provided to the SOSC or faxed to (803) 896-4102.
- (o) Current weather conditions at the spill location and a two (2) day forecast.
- (p) Other miscellaneous information as appropriate.

In order to affect a timely response on dispersant approval, we ask that the above information be supplied along with the initial request for permission to use dispersants. The request to use a dispersant should be directed to DHEC's 24-hour number ((803) 253-6488 or (888) 481-0125). The SOSC will obtain the necessary input from other State Agencies and notify the FOSC and/or the incident specific RRT, as appropriate, as to the State's decision. We currently estimate that a minimum of three (3) hours consultation time to confer with our colleagues at SCDNR, OCRM, and other concerned parties will be needed to examine and evaluate all pertinent data relating to the incident before a dispersant use decision could be made.

The State will work within the framework of the Regional Response Team's Dispersant Usage Plan.

#### 300.900.2 Bioremediation.

While the Department typically finds that mechanical removal is most appropriate, and generally does not recommend bioremediation during the emergency response phase of an oil spill, the SOSC will consider any method of cleanup proposed by the RP on a case-by-case basis. During such bioremediation applications, the State will work within the framework of the Regional Response Team's Bioremediation Spill Response Plan.

#### 300.900.3 In-Situ Burning

The State will consider the use of in-situ burning (ocean, coastal, and inland) as a response strategy on oil spills, however the response scenario must undergo the stringent evaluation as put forth in the Regional Response Team In-Situ Burn Plan.

#### 300.905 NCP Product Schedule.

On discharges of oil, response technologies that are dispersants and other chemical or biological products will only be considered for use if they are listed on the NCP Product Schedule. Current copies of the NCP Product Schedule may be obtained through the EPA. For response technologies that are considered for use, to include in-situ burning, the SOSC will seek the concurrence of the Regional Response Team prior to their use.

#### 300.910 Authorization of use.

[Reserved]

#### 300.915 Data requirements.

[Reserved]

#### 300.920 Addition of products to Schedule.

[Reserved]

**Subpart K - Federal Facilities**  
**[Reserved]**

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**Subpart L - REMOVED**  
**NCP / CERCLA**

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## **SUBPART M -Administration**

### 300.900.1 General

This plan was developed in accordance with §48-43, §48-56, and §48-1 of the South Carolina Code of Law, 1976, as amended.

### 300.900.2 Custodian

The custodian of this plan, its Annexes and any amendments and supplementary publications thereto, is the Manager of the Emergency Response Section, Division of Waste Assessment and Emergency Response, Bureau of Land and Waste Management, Environmental Quality Control Office, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. Telephone (803) 896-4111.

### 300.900.3 Procedures For Changing the Plan and Annexes

The Manager of the ERS is responsible for developing, implementing, and revising this plan. Recommendations for changes to this plan may be submitted to the address in Section 300.900.2 above.

### 300.900.4 State Coordination

The members of the State Response Team have reviewed this Plan. Each of the agencies that are mentioned herein has received a copy of the Plan and has had an opportunity to comment on its content. Each of the members have decided to what extent that agency will participate in responding to spills and releases of oil and other hazardous substances within the State.

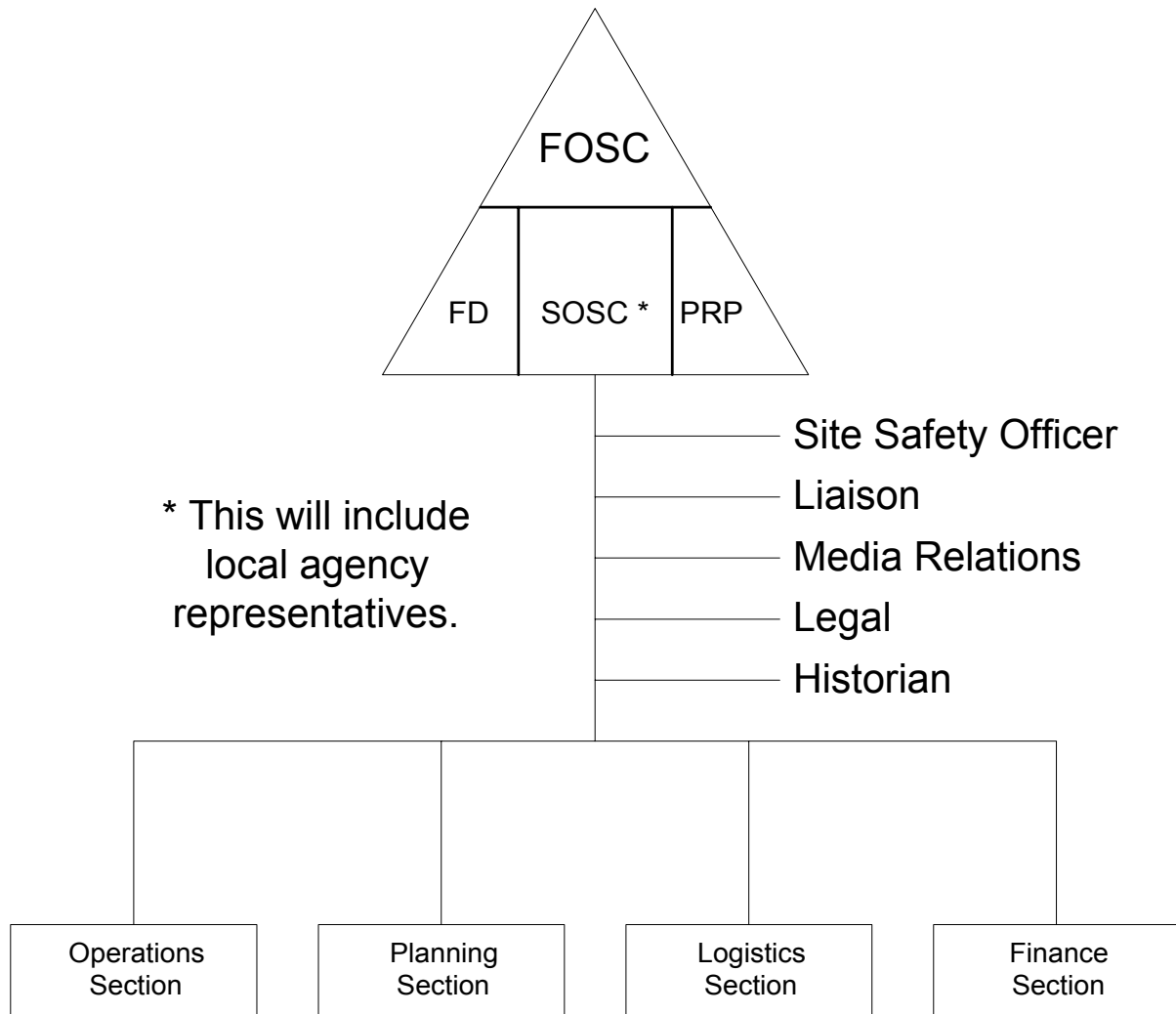
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R. Lewis Shaw, P.E. Deputy Commissioner, Environmental Quality Control South Carolina Department of Health and Environmental Control	Date
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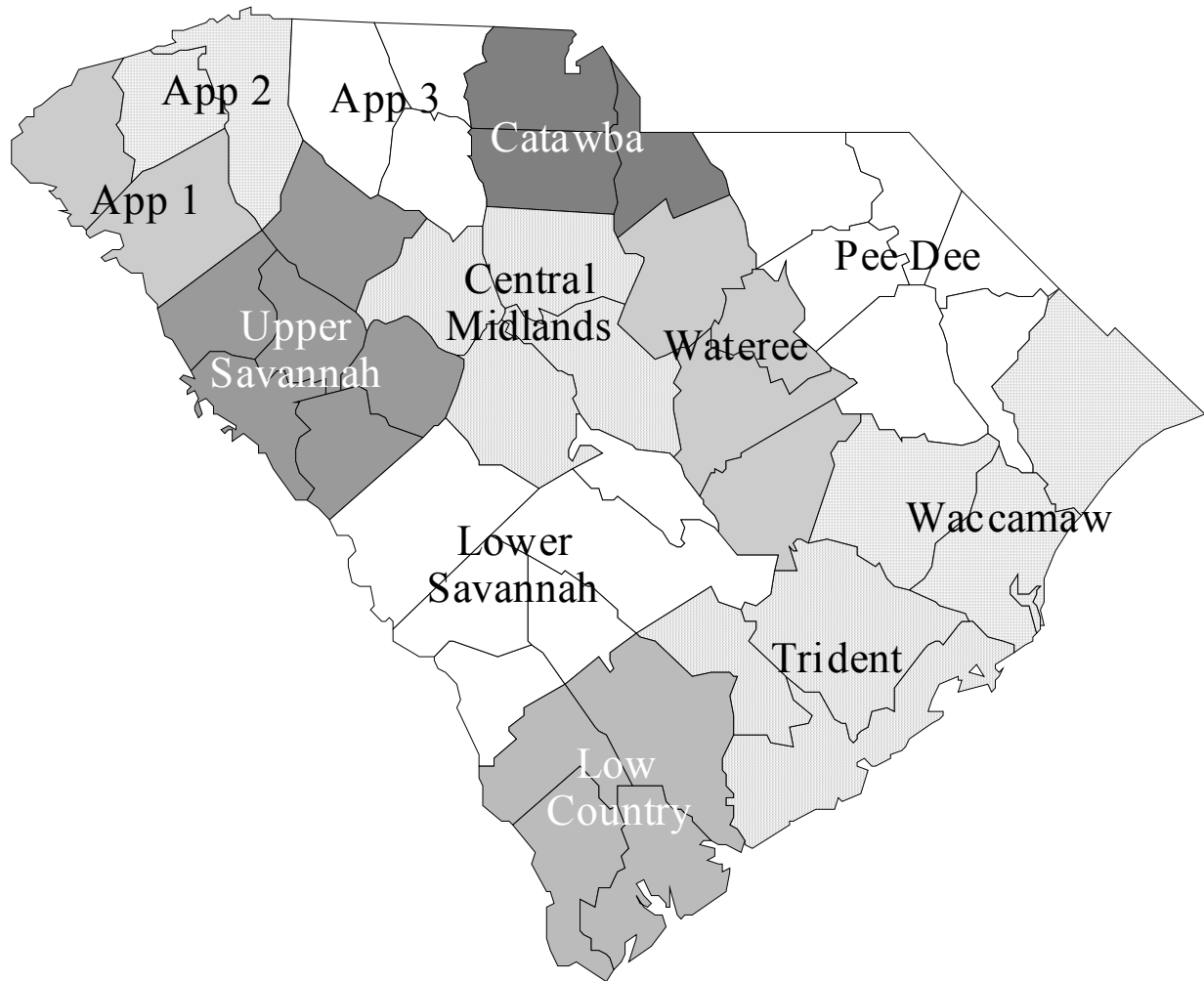


## Appendix A - State/DHEC ICS / UC



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## Appendix B - DHEC EQC Geographical Boundaries and Addresses



Appendix B - Continued  
EQC District Office Address and Location

Appalachia I District Office  
(864) 260-5569  
2404 N. Main St.  
Anderson, SC 29621  
Counties: Anderson and Oconee.

Appalachia II District Office  
(864) 241-1090  
301 University Ridge, Suite 5800  
Greenville, SC 29601  
Counties: Greenville and Pickens.

Appalachia III District Office  
(864) 596-3800  
P.O. Box 8778, 975 N. Church Street  
Spartanburg, SC 29305  
Counties: Cherokee, Spartanburg, and Union.

Catawba District Office  
(803) 285-7461  
P.O. Box 100, 2475 DHEC Road  
Lancaster, SC 29720  
Counties: Chester, Lancaster, and York.

Central Midlands District Office  
(803) 896-0620  
P.O. Box 156, Building #5  
State park, SC 29147  
Counties: Fairfield, Lexington, Newberry and Richland.

Low Country District Office  
(843) 846-1030, 104 Parker Drive  
Burton, SC 29906  
Counties: Beaufort, Colleton, Hampton, and Jasper.

Lower Savannah District Office  
(803) 641-7670  
218 Beaufort Street, NE  
Aiken, SC 29801  
Counties: Aiken, Allendale, Bamberg, Barnwell, Calhoun and Orangeburg.

Pee Dee District Office  
(843) 661-4825  
145 East Cheves Street  
Florence, SC 29506  
Counties: Chesterfield, Darlington, Dillon, Florence, Marion, and Marlboro.

Trident District Office  
(843) 740-1590  
1362 McMillan Ave., Suite 300  
North Charleston, SC 29405  
Counties: Berkeley, Charleston, and Dorchester.

Upper Savannah District Office  
(864) 223-0333  
613 South Main Street  
Greenwood, SC 29646  
Counties: Abbeville, Edgefield, Greenwood, Laurens, McCormick, and Saluda.

Waccamaw District Office  
(843) 448-1902  
1705 Oak Street Plaza, Suite 2  
Myrtle Beach, SC 29577  
Counties: Georgetown, Horry, and Williamsburg.

Wateree District Office  
(803) 778-6548  
P.O. Box 1628,  
105 North Magnolia Street  
Sumter, SC 29151  
Counties: Clarendon, Kershaw, Lee, and Sumter.

## **Appendix C - Boundary Lines between EPA and Coast Guard**

### MSO Charleston, South Carolina

U.S. Coast Guard Captain of the Port (COTP), Charleston, South Carolina will be the pre-designated OSC in the following areas within Region 4. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway.

Coastal areas on the eastern coast of South Carolina from the North Carolina - South Carolina state boundary southward to the southern tip of Bay Point, Edisto Island (near Edisto Beach), South Carolina.

From the North Carolina - South Carolina state boundary northwesterly along the boundary to US 17; thence southwesterly along US 17 to the eastern bank of the Edisto River; thence southerly along the eastern bank to the COTP Charleston - COTP Savannah boundary at 32-41 N Latitude.

Included within this zone is Charleston Harbor, including waterfront facilities, specifically, Ashley River from the Memorial Bridge (SC 7) seaward; Wando River from State Highway 41 (SC 41) Bridge seaward; and the Cooper River from General Dynamics Private Aids 339 and 340 seaward. Also included are all portions of the Intracoastal Waterway not within the above-defined area, and the Sampit River/Winyah Bay (near Georgetown) area, including waterfront facilities, from one mile west of US 17 Sampit River Bridge seaward.

### MSO Savannah, Georgia

U.S. Coast Guard Captain of the Port (COTP), Savannah, Georgia will be the pre-designated OSC in the following areas within Region 4. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway.

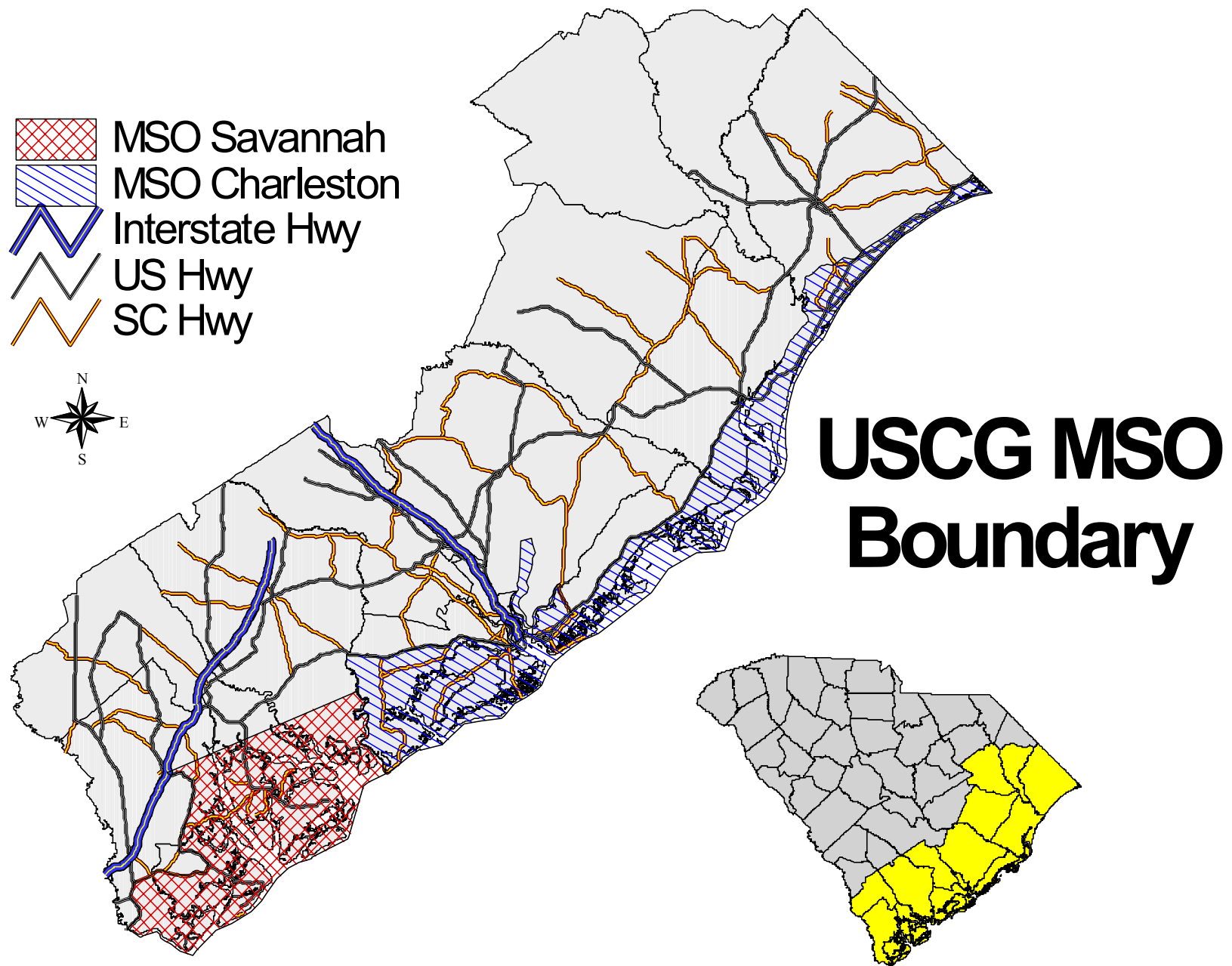
Coastal areas from the southern tip of Bay Point, Edisto Island (near Edisto Beach), South Carolina, south to 30-50 N latitude on the east coast of Georgia.

From the southern tip of Bay Point, Edisto Island, South Carolina, northerly along the eastern bank of the Edisto River to U.S. Highway 17; thence southwesterly to I-95 (SC Exit #33); thence southerly along I-95 to GA Highway 21 (GA Exit #19); thence southerly along GA Highway 21 to I-516; thence southerly along I-516 to GA Highway 21 (DeRenne Ave); thence easterly to GA Highway 204 (Abercorn Street); thence southwesterly to I-95 (GA Exit #16); thence southerly along I-95 to the intersection of COTP Savannah □ COTP Jacksonville boundary at 30-50 N latitude on the east coast of Georgia.

### USEPA Region IV

The USEPA has OSC jurisdiction over inland spills in South Carolina west of the line, described above.

A map showing the jurisdictional boundaries for EPA and USCG is on the next page.



## **Appendix D**

### **MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF SOUTH CAROLINA**

This Memorandum of Agreement (MOA) coordinates efforts between the United States Environmental Protection Agency Region 4 (EPA) and the state of South Carolina, Department of Health and Environmental Control (DHEC) in response to oil discharges and releases of hazardous substances under the provisions of the Clean Water Act (CWA) as amended by the Oil Pollution Act of 1990 (OPA 90) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended. The objective of this MOA is to define coordination and first response procedures and guidelines related to the emergency response to oil spills and hazardous substance releases in the inland zone between EPA and DHEC. This agreement does not apply to removal actions unassociated with emergency responses.

#### **PART I GENERAL PROVISIONS**

- A. Response to discharges of oil and certain releases of hazardous substances are governed by the CWA, 33 U.S.C. 1251 et seq. as amended by OPA 90 and CERCLA, 42 U.S.C. 9601 to 9675 et seq.
- B. The following planning documents are cited for reference and establish the authorities and procedures under which DHEC and EPA conduct responses to oil and hazardous substances.
  - 1. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, establishes the response organizations within the United States and requires a tiered contingency planning effort.
  - 2. EPA's Regional Contingency Plan (RCP) and Area Contingency Plan(s) (ACP) implement the NCP at the regional level and govern EPA's response to discharges of oil and releases of hazardous substances.
  - 3. The National Pollution Funds Center (NPFC) Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990" defines the procedures for requesting funds, seeking removal costs, submitting pollution reports (and the frequency of their issuance), payment, conducting litigation, entering into cooperative agreements, and submitting claims for reimbursement.
  - 4. The Memorandum of Understanding between the EPA and the United States Coast Guard (USCG) for use of the Oil Spill Liability Trust Fund (OSLTF), dated 28

October 1996, establishes the parameters by which EPA and other eligible entities can access the OSLTF.

5. The State of South Carolina Contingency Plan for Spills and Releases of Oil and Hazardous Substances details the state responsibilities, policies, and response actions to discharges of pollutants and releases of hazardous substances onto the waters and lands of the state of South Carolina.
- C. The NCP specifies that when an EPA On-Scene Coordinator (OSC) is notified of a significant discharge or release to the environment, the OSC shall notify the Governor, or designee, of the state affected by the discharge or release. The emphasis during spill response activities is on coordination and cooperation rather than on a more rigid system of command and control. The OSC, the state/local government representatives are all involved with varying degrees of responsibility. The OSC in every case retains the authority to direct the spill response, and must direct responses to spills that pose a substantial threat to the public health or welfare of the United States as required by the CWA. In many situations, however, the OSC will choose to monitor the actions of the responsible party and/or state/local governments and provide support and advice where appropriate. Throughout the duration of a spill, the OSC shall communicate and coordinate, to the extent practicable, with state and local authorities consistent with the RCP/ACP. Once the OSC determines (in consultation with the governor or his designated contact of the affected state) that the cleanup has been completed in a manner consistent with the NCP, state or local representatives may continue any specific cleanup with their own jurisdictions by using their own authority and funds. Through this MOA, the Parties agree to work together within the framework of the NCP and the RCP/ACP and their respective authorities to ensure a coordinated effort is undertaken in response to discharges of oil and releases of hazardous substances consistent with the NCP.

## PART II PARTIES

- A. The parties to this MOA are the EPA Emergency Response and Removal Branch (ERRB) and South Carolina Department of Health and Environmental Control, Environmental Quality Control (EQC). The EPA OSC, as defined by the NCP and as pre-designated by the RCP, is the lead official in directing and monitoring all oil discharges or hazardous substance releases within the inland geographic area of Region 4.
- B. The laws of the state of South Carolina have designated DHEC to act on behalf of the state to oversee responses to discharges of oil and releases of hazardous substances. Employees of DHEC EQC are pre-designated as state on-scene coordinators (SOSC). The Director of the Division of Waste Assessment and Emergency Response is the sole designated state official who may request access to the OSLTF by the state of South Carolina.
- C. The EPA ERRB, and DHEC EQC, enter into this MOA to the extent permitted by law and as consistent with their respected policies and resources to facilitate notification and



coordination of response actions to oil discharges and hazardous substances releases under the NCP and the RCP/ACP, and to facilitate with the processing and payment of claims by the NPFC to the state of South Carolina.

- D. Nothing in this MOA shall detract from the existing responsibilities or authority of each party hereto.

### PART III PROGRAMMATIC PROVISIONS

#### A. RESPONSE, PREPAREDNESS AND PLANNING

1. Three fundamental kinds of activities are performed pursuant to the NCP:
  - a. Preparedness, coordination, and planning for response to a discharge of oil or a release of a hazardous substance, pollutant, or contaminant;
  - b. Notification and communication; and
  - c. Response operations at the scene of a discharge or release.

The National Response System as outlined in Part 300 of the NCP is the response management structure that brings together the functions of the federal government, the state government, the local authorities, and the responsible party to achieve an effective and efficient response.

2. The EPA is the primary federal agency tasked with responding to discharges of oil and releases of hazardous substances in the inland zone as defined in the NCP and described by the EPA and USCG MOU. The specific MOU designating EPA's area of response and the USCG area of response in the state of South Carolina are found in Annex M of the RCP.
3. The EPA OSC is the pre-designated federal official responsible for preliminary assessments, containment, countermeasures, cleanup, disposal and planning for response operations for the inland zone. Under the authority of the CWA/OPA, CERCLA, and the NCP, the OSC may direct or monitor and provide technical support and assistance to all federal, state, local and private actions in response to an oil discharge or hazardous substance release. Limitations of resources and geographical distances make it impracticable for an EPA OSC to respond to the scene of every reported oil discharge or hazardous substance release. The EPA relies on DHEC Emergency Response Section (ERS) to respond and coordinate the response activities to most incidents in the state of South Carolina.
4. The state of South Carolina is a member of the EPA Regional Response Team (RRT) and is involved in planning, preparedness and response under the National

Response System as outlined in the CWA/OPA, CERCLA and the NCP. State law designates DHEC as the responsible agency for coordinating oil and hazardous substance response and cleanup efforts in the state of South Carolina. The OSC will consult, as required by the NCP, with the SOSC concerning oil and hazardous substance response activities. Through this MOA, the parties agree to work together within the framework of the NCP and the RCP/ACP and their respective authorities to ensure a coordinated effort is undertaken in response to discharges of oil and releases of hazardous substances.

## B. NOTIFICATION AND COORDINATION REQUIREMENTS

1. DHEC ERS will request the responsible party for the release to immediately notify the National Response Center for any release of a designated hazardous substance that meets or exceeds the established reportable quantity under 40 CFR Part 302. If the responsible party for the release is unknown, DHEC ERS will ensure this notification requirement is met.
2. DHEC ERS will request the responsible party for the discharge to immediately notify the National Response Center whenever an oil spill threatens or discharges into inland navigable waters of the United States under 40 CFR Part 110. If the responsible party for the discharge is unknown, DHEC ERS will ensure this notification requirement is met as follows:
  - a. For any discharge or threat of discharge of oil into inland navigable waters that is less than 250 gallons DHEC ERS is not required to report to EPA. However, for those oil discharges less than 250 gallons for which DHEC intends to file a claim for reimbursement from the OSLTF for response costs DHEC must notify the EPA OSC by telephone or submit the DHEC Environmental Quality Control Incident Report to the EPA OSC. The report will be completed and signed by the SOSC, and transmitted by fax to EPA within one working day. Upon receiving the report, the EPA OSC will review and sign the report and fax it back to the SOSC within one working day. This report, when executed by the DHEC ERS and EPA OSC, will be sufficient evidence of state notification and coordination of the removal actions to meet the requirements of 33 CFR, Sections 136.203 and 136.205, and the policies and procedures of the NPFC.
  - b. For any discharge or threat of discharge of oil into inland navigable waters that is greater than 250 gallons, timely telephone notification to the EPA OSC to coordinate response activities followed by transmission of the completed DHEC Environmental Quality Control Incident Report will satisfy the notification and coordination requirement.
3. The EPA Telephone Duty OSC shall notify and/or ensure notification is made immediately to DHEC ERS for every incident report received in the EPA Region 4

Regional Response Center from either the National Response Center or other party. The notification may be made by telephone or in writing in accordance with the DHEC ERS Notification Guidelines.

#### C. FEDERAL RESPONSE

Upon receipt of notification of any discharge of oil into or threatening navigable waters within the inland zone or release of any hazardous substances to the environment, the EPA Telephone Duty OSC will make an independent decision (consistent with EPA Region 4's "Emergency Response Team Standard Operating Procedures") whether to dispatch an OSC to the scene of the incident. The EPA OSC may or may not respond, depending upon the specific circumstances of the incident; the state, local, and/or the responsible party's capability to mitigate the incident; and whether or not assistance is requested. If an EPA response is determined to be necessary, EPA will inform and coordinate with the SOSC and provide appropriate details. A response by an EPA OSC does not preclude the state of South Carolina from requesting reimbursement from the NPFC for state incurred expenses.

#### D. REIMBURSEMENT PROCESS

DHEC personnel regularly respond to oil discharges that impact or threaten to impact navigable waters within the inland zone in accordance with 40 CFR, Sections 300.305 and 300.310. Options for reimbursement include filing a claim with the NPFC at the conclusion of the response or entering into a Pollution Removal Funding Authorization (PRFA) with EPA.

##### 1. Claims

Section 1012(a) of OPA 90 provides that the OSLTF is available for the payment of removal costs to state governments resulting from a discharge or a substantial threat of discharge of oil into navigable waters and the removal actions are conducted in a manner consistent with the NCP and are coordinated with the EPA OSC. The specific procedures for making a claim to the NPFC are documented in the NPFC Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990".

All the following criteria established by both parties of this MOA, for use by designated DHEC representatives to respond to discharges of oil, must be met if the state intends to seek reimbursement from the OSLTF.

- a. The discharge is into navigable waters or poses a substantial threat to navigable waters.
- b. The discharge will harm the environment or threaten to harm the environment by damaging or destroying state or federal resources.

- c. The actual or substantial threat of a discharge involves oil, but does not include CERCLA hazardous substances.
- d. Response actions by state personnel are in coordination with the EPA OSC and are consistent with the NCP.

## 2. Pollution Removal Funding Authorizations

A PRFA is a financial obligation document that commits the OSLTF to payment, by reimbursement, for uncompensated costs incurred in oil discharge response activities undertaken by another government agency working in coordination with the EPA OSC. The EPA OSC may enter into a PRFA with the state of South Carolina to supplement EPA resources whenever deemed necessary. To establish a PRFA, the EPA OSC and the state of South Carolina must agree upon and document the specific goods and services to be provided and provide a good faith estimate of the total anticipated costs. This agreement may initially be reached verbally, but should be reduced to writing as soon as practicable during a response by execution of a Non-Federal Agency Pollution Removal Funding Authorization form.

Whenever a PRFA is issued to the state of South Carolina, the EPA OSC shall specify in writing to the ERS the required documentation and the associated deadlines for all pollution reports (POLREPs), costs of personnel and equipment, invoices, final reports, etc. Problems, real or anticipated, should be immediately brought to the attention of the OSC.

It is essential that the EPA OSC and the NPFC case officer be kept informed about the financial and work related progress of the removal. POLREPs are a logical and effective way to accomplish this. Every POLREP should show the financial status of the removal, current ceiling, obligations to date, an estimate of all other costs to date, and any other facts and figures that explain the current status or have value for planning subsequent activities. In general, and unless not otherwise specified, the state shall submit weekly POLREPs until final cleanup/stabilization is accomplished. For short-term incidents (less than one week long) only one POLREP is necessary, unless specified by the EPA OSC. When possible, the state of South Carolina shall identify the name and address of the responsible party and report this information to the EPA OSC to support cost recovery efforts.

Upon completion of the removal activities, DHEC shall submit a Cost Documentation Package to the issuing EPA OSC with detailed records of expenditures and activities for which reimbursement is sought. DHEC must submit the final request for reimbursement, supported by the required documentation, within 60 days following the receipt of the final invoice for the response. If at the end of 60 days from the receipt of the invoice, there are any costs for which reimbursement has not been requested, written notice will be sent to the issuing OSC by DHEC. After 90 days from receipt of the invoice, any balance remaining in the account may be de-obligated by the government. The NPFC Instruction 16451.2 "Technical Operating

Procedures for Resource Documentation under the Oil Pollution Act of 1990", defines all cooperative agreements, and procedures for claims for reimbursement.

#### PART IV EVALUATION OF THIS MOA

The parties of this MOA will independently evaluate the effectiveness of this MOA in light of the purpose and scope, particularly with respect to the underlying principles of cooperation and coordination of each other's response operations. Periodically, the parties will present their findings and any proposals to revise this MOA.

#### PART V MISCELLANEOUS PROVISIONS

- A. This agreement represents a voluntary understanding between EPA and DHEC.
- B. This MOA will be effective when executed by the Regional Administrator of the EPA and the Deputy Commissioner for EQC of DHEC, or their designated officials. This MOA will remain in effect until rescinded by either party in writing.
- C. The terms of this MOA may be changed at any time when both parties agree to do so in a written, executed amendment hereto with or without notice to any other person. This MOA may be terminated by either party at any time by providing written, signed notice to the other party thirty days prior to the termination date. Any action to amend, modify or terminate this MOA may only be taken by the Regional Administrator of the EPA or the Deputy Commissioner for EQC of DHEC, or by persons to whom this authority is subsequently delegated.
- D. This MOA does not create, alter, modify, abridge or in any way affect any rights, duties, obligations or liabilities of any person under the laws of the United States or the state of South Carolina. No legal action or claim based on this MOA may be brought against the United States, EPA or the state of South Carolina by any person.
- E. In the event that individual and severable portions of this MOA are found to be in conflict with either State or Federal law, regulations or policies and therefore of no effect, the MOA will remain in effect without those provisions unless either party notifies the other in writing that the entire agreement is terminated.

Executed this 14th day of December, 2000

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(Signature on file)

John H. Hankinson, Jr.  
Regional Administrator, EPA Region 4

\_\_\_\_\_  
(Signature on file)

R. Lewis Shaw, P.E.  
Deputy Commissioner for EQC, Department of Health and  
Environmental Control

## **Appendix E**

### **MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES COAST GUARD AND THE STATE OF SOUTH CAROLINA**

WHEREAS, Congress enacted the Oil Pollution Act of 1990 (OPA 90) to protect the waters of the United States from oil pollution and hazardous substances and to plan for an effective and immediate response in the event of an oil spill or hazardous substance release, and the President subsequently designated the Coast Guard as the Federal On Scene Coordinator (OSC) within the South Carolina coastal zone; and

WHEREAS, Congress has decided in a number of enactments, including OPA 90, not to preempt the various States from regulating certain matters associated with the protection of waters within their jurisdiction from oil and hazardous substance pollution, which matters are also subject to regulation by the Coast Guard under OPA 90 and other statutes. The State of South Carolina has enacted legislation to protect the waters of the State from oil and hazardous substance pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill or hazardous substance release and to augment State authority for the prevention and response to spills in waters under the jurisdiction of the State and provides that the South Carolina Department of Health and Environmental Control (DHEC) is the lead agency in responding to all discharges of pollutants in State waters; and

WHEREAS, Congress explicitly provided that the provisions of OPA 90 do not: (1) preempt or affect the authority of any State to impose additional liability or requirements respecting oil discharges or other oil pollution within such a State or removal activities in connection with such a discharge; (2) affect the authority of any State to establish or continue a fund any purpose of which is to pay for oil pollution or the substantial threat of oil pollution costs or damages, or to require any person to contribute to such a fund; or (3) affect the authority of any State to impose any fine or penalty for violation of law relating to a discharge; and

WHEREAS, South Carolina Code of Laws Title 44, Chapter 56 (South Carolina Hazardous Waste Management Act) empowers DHEC to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and subsequent amendments. The Hazardous Waste Management Act also directs DHEC to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions at permitted hazardous waste landfills, at accidents involving the transportation of hazardous materials, and at uncontrolled hazardous waste sites. Furthermore, the Act empowers DHEC to recover on behalf of the State all response costs expended from the Hazardous Waste Contingency Fund.

WHEREAS, South Carolina Code of Laws Title 48, Chapter 1 (South Carolina Pollution Control Act) gives DHEC the authority to abate, control and prevent pollution; and

WHEREAS, South Carolina Code of Laws Title 48, Chapter 43 (South Carolina Oil and Gas

Act) authorizes DHEC to prevent pollution of the water, air and land by oil or gas and States that DHEC “shall from time to time adopt, amend, repeal, and enforce reasonable regulations relating to the cleanup and removal of discharges of pollutants into the waters or onto the coasts of this State;” and

WHEREAS, the State of South Carolina Contingency Plan for Spills and Releases of Oil and Hazardous Materials is intended to be the mechanism by which the State implements the South Carolina Hazardous Waste Management Act, the South Carolina Pollution Control Act, and the South Carolina Oil and Gas Act in order to direct prevention, removal, abatement, response containment, and cleanup efforts with regard to all aspects of any oil spill or hazardous substance release in marine waters of the State, in accordance with any applicable marine facility or vessel contingency plan; and

WHEREAS, the Commander, Seventh Coast Guard District is the senior Coast Guard Officer within the State of South Carolina exercising Federal authority under OPA 90 and other Federal laws with respect to oil and hazardous substance pollution planning and response in waters subject to the jurisdiction of the United States in and outside the State of South Carolina and matters dealing with areas of vessel manning and safety equipage; and

WHEREAS, marine oil spills and hazardous substance releases require a rapid, efficient, and coordinated response and cleanup by Federal, State, and local agencies as well as from private entities to minimize the deleterious effects on human, wildlife, and other natural resources; and

WHEREAS, both the Coast Guard and the State recognize the critical roles each has within their respective areas of authority in preventing oil spills and hazardous substance releases and in planning for and responding to oil spills and hazardous substance releases; and

WHEREAS, the Parties recognize the cooperation between them in the implementation and exercise of their respective statutory and regulatory authority is essential to avoid conflict and unnecessary duplication; and

WHEREAS, the Parties believe and intend that by acting in a cooperative and coordinated manner, the effect will be an enhanced oil spill and hazardous substance release prevention and response effort in the State of South Carolina.

NOW THEREFORE, the Parties agree, to the extent permitted by law, and as consistent with their respective policies and available resources, to cooperate and to coordinate their efforts in implementing and exercising their respective statutory and regulatory duties related to oil spill and hazardous substance prevention and response.

## **I PURPOSE AND SCOPE OF THE AGREEMENT**

A. This Memorandum of Agreement (MOA) coordinates the relationship between the State of South Carolina and the United States Coast Guard to provide the foundation for cooperation in the full range of marine pollution-related activities. Procedures and guidelines in this MOA that



relate to oil spill or hazardous substance responses refer only to first response emergency actions. This agreement does not apply to removal actions unassociated with emergency responses. The objective of this cooperative agreement is to ensure a sound State, regional, national and international marine environmental protection strategy by:

1. Minimizing duplication of requirements,
2. Making the most efficient use of State and Coast Guard resources, and
3. Eliminating barriers to marine transportation due to differing Federal and State regimes.

## **II GENERAL PROVISIONS (JURISDICTION)**

A. Under the provisions of Titles 14, 18, 19, 33, 40, 46, 49 and 50 United States Code (United States C.) the United States Coast Guard has authority to regulate vessels and shore facilities to ensure safety of life and property at sea, and protect the marine environment. The Coast Guard's regulatory and enforcement authority extends throughout the navigable waters of the United States, the high seas, and other waters over which the United States has jurisdiction. The State of South Carolina has similar statutory authority for the protection of the marine environment on waters within the State under South Carolina Code of Laws, Title 44, Chapter 56, and Title 48, Chapters 1 and 43.

B. The body of Federal marine pollution law and regulation, particularly as enhanced by the Oil Pollution Act of 1990 (OPA 90) and new regulations issued under its authority, and other laws and regulations, provide for a coordinated marine environmental protection effort across all pollution sources, including all transportation modes.

C. The body of State law providing for marine environmental protection effort across all pollution sources, including all transportation modes, is provided within South Carolina Code of Laws, Title 44, Chapter 56, and Title 48, Chapters 1 and 43.

D. Each party recognizes that the Coast Guard and the State have various overlapping authorities, and are committed to working together to complement rather than duplicate programs and resources.

## **III PARTIES**

A. The Parties to this MOA are the Seventh Coast Guard District (the "Coast Guard") and the DHEC, State of South Carolina (the "State"). The Commander, Seventh Coast Guard District has been delegated by the Commandant, United States Coast Guard final authority for performance within the coastal waters of South Carolina, which in general terms is maritime law enforcement, saving and protecting life and property, and safeguarding navigation and the environment.

B. South Carolina Code of Laws Title 48, Chapter 1 (South Carolina Pollution Control Act), Section 50 gives DHEC the power to cooperate with governments of the United States to formulate pollution control agreements.

C. The Commissioner of South Carolina's DHEC is one of the State's designated trustees for all the State's natural resources including its wildlife. DHEC is responsible for creating and maintaining a contingency plan and designating a State On-Scene Coordinator (SOSC). The SOSC is the manager of the Emergency Response Section of DHEC and can designate a representative to coordinate DHEC response activities on behalf of the SOSC. The Director of DHEC, Division of Waste Assessment and Emergency Response is the designated State official who can request State access to the Oil Spill Liability Trust Fund.

D. The Commander, Seventh Coast Guard District and the State enter into this MOA to the extent permitted by law and as consistent with their respective policies and available resources, to coordinate their respective statutory and regulatory duties related to protection of the marine environment.

E. Nothing in this MOA shall detract from the existing responsibilities or authority of each party.

#### **IV DEFINITIONS**

Except where otherwise specifically defined in the context of its use herein or where specifically set forth below, terms used in this MOA shall have the meaning as set forth in Federal and applicable State laws.

A. Specific definitions:

1. State Waters. Those waters of the United States which lie within the jurisdiction of the State of South Carolina and over which the Coast Guard has concurrent Federal authority for responding to oil spills and releases of hazardous substances.

2. On-Scene Coordinator (OSC). In accordance with 40 CFR 300.5, the OSC is the pre-designated Federal official responsible for ensuring immediate and effective response to a discharge or release. The U.S. Coast Guard designates OSCs for the United States coastal zone, while the United States Environmental Protection Agency (USEPA) designates OSCs for the United States inland zones. The jurisdictional boundary between these zones is specified in the Memorandum of Understanding between the USEPA and the U.S. Coast Guard, and is specifically delineated in Appendix M of the Region IV Regional Contingency Plan.

3. Coastal Zone: The coastal zone of South Carolina is delineated in the Memorandum of Understanding between the U.S. Environmental Protection Agency - Region 4 and U.S. Coast Guard - Fifth, Seventh, and Eighth Districts, dated November 3, 1999. U.S. Coast Guard Captain of the Port (COTP), Charleston, South Carolina will be the pre-designated OSC in the coastal areas on the eastern coast of South Carolina from the North Carolina – South Carolina

State boundary southward to the southern tip of Bay Point, Edisto Island, South Carolina. U.S. Coast Guard Captain of the Port (COTP), Savannah, Georgia will be the pre-designated OSC in the coastal areas from the southern tip of Bay Point, Edisto Island, South Carolina, south to South Carolina - Georgia border.

## V PROGRAMMATIC PROVISIONS

**NOTE: THIS IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST OF POTENTIAL AREAS OF MUTUAL INTEREST.**

A. Oil and Hazardous Substance Response Preparedness. The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) establishes the response organization within the United States and requires tiered contingency planning efforts. The State, consistent with the NCP, defines its response organization through the State of South Carolina Contingency Plan for Spills and Releases of Oil and Hazardous Substances pursuant to South Carolina Statutes.

### 1. Planning Documents

a. National Oil and Hazardous Substances Pollution Contingency Plan (NCP): The Environmental Protection Agency (EPA) is the lead agency in drafting and the Coast Guard and EPA are jointly responsible for implementing the NCP which governs actions concerning spill and release response and cleanup for Federal, State, local agencies, responsible Parties, cleanup contractors and others participating in such actions in United States waters. The State will work with the Coast Guard to ensure State plans and policies for marine environmental protection are consistent with the NCP.

b. DHEC is responsible for developing and maintaining the Statewide Contingency Plan that details State responsibilities, policies, and actions governing response to spills and releases in waters of the State. DHEC has specific statutory authority and responsibility concerning marine oil spills and hazardous substance releases. The Coast Guard and the State will consult to ensure State plans and policies for marine environmental protection are consistent with the NCP.

c. Regional Contingency Plan: The Regional Contingency Plan (RCP) is prepared to comply with the NCP and to implement the NCP at the Regional level. The plan provides the structure and mechanisms for responding to a pollution incident, or threat of a pollution incident, in a timely, coordinated and effective fashion. Procedures for coordinating with the U.S. COAST GUARD Area Contingency Plans and other Federal, State, and local community emergency plans are presented in the RCP.

d. Area Contingency Plan: The Area Committees, established by the President under the authority of the Oil Pollution Act of 1990, are responsible for the development of Area Contingency Plans (ACP) for those Areas under the direction of the Federal On Scene Coordinator (OSC). The ACPs describe the responsibilities of owners, operators and Federal, State and local agencies in responding to oil spills and hazardous releases or threats of spills and

releases, list equipment and personnel available to respond, describe procedures for the use of dispersants and describe how the ACP integrates with other plans. The objective is to create consistency between the local, State, and national contingency plans. The Parties agree to consult with each other to enhance contingency planning and to ensure that the ACPs and State plan are uniform, subject to the requirements of existing law.

e. Facility Oil Spill Response Plans: Both Federal and State law require Facility Oil Spill Response Plans at terminal facilities. These plans describe facility capabilities to prevent and respond to pollution emergencies. The State and the Coast Guard will coordinate with the United States Department of Transportation, Minerals Management Service, and the Environmental Protection Agency in assessing facility contingency plans. Subject to the requirements of applicable law, regulations and policy, the Parties will develop a system to coordinate, to the extent practicable, the Parties' cooperative review and approval of facility contingency plans. The Parties agree to endeavor to conduct reviews of facility contingency plans in as much of a coordinated and non-duplicative manner as is permitted by applicable laws, regulations and procedures. The Coast Guard and the State will cooperate to ensure those requirements for facility response plans are compatible and do not conflict. Plans submitted to the State by terminal facilities are reviewed during the certification process.

f. Vessel Oil Spill Response Plans: Both Federal and State law require vessel oil spill response plans. These plans describe vessel capabilities to prevent and respond to pollution emergencies. Although the Parties recognize the need to independently review vessel plans for compliance with their respective laws and regulations, the Parties agree to endeavor to conduct reviews of vessel contingency plans in as much of a coordinated and non-duplicative manner as is permitted by applicable laws, regulations and procedures. The State shall accept to the maximum extent practicable the Federal vessel response plan requirements.

2. Government Committees. The NCP directs the organization of government committees to prevent and respond to pollution emergencies.

a. Regional Response Team. The Region IV Regional Response Team (RRT) is established as a coordinating committee by the NCP and includes the State along with the Federal agencies with pollution prevention and pollution response responsibilities. The Parties agree to jointly participate as members of the RRT. RRT participation includes both attending regularly scheduled meetings and responding during incident specific RRT mobilization.

b. Area Committees. Area Committees were established by OPA 90 to maximize State and local participation in contingency planning. The Parties agree to coordinate local response planning by jointly participating in the Area Committee planning process. Both Parties are strongly committed to participating in ACP development and the use of the Area Committees in conducting exercises and drills, consistent with the provisions of the NCP and applicable State contingency plans.

3. Drills and Exercises. Drills and exercises are required to ensure the readiness and interoperability of pollution response organizations. It is the intention of the Parties to encourage coordination, participation, and cross-training in periodic drills and exercises to

facilitate a better understanding of each Party's duties and responsibilities as well as to ensure a combined, effective, familiar working relationship at oil and hazardous substance spill incidents.

The Parties agree to interact in the planning, scheduling, design, conduct and evaluation of exercises as time and resources permit. In this context, the Parties recognize the role that the National Strike Force Coordination Center, as the focal point for exercise strategy for all elements of the National Response System, will schedule, design, execute, evaluate and provide feedback on all National Response System exercises in conjunction with the appropriate RRT and Area Committees. The Parties agree to make available, as time and resources permit, any published annual reports as required by OPA 90 and State statutes concerning evaluations of drills and recommended changes to the National and Area Contingency Plans.

4. Certification of Oil Spill Response Organizations. Various Coast Guard commands evaluate, categorize, and certify oil spill response organizations. Within the limitations of their respective authority, and in the event the State passes regulations concerning the certification of oil spill response organizations, parties will cooperate to the maximum extent practicable in the evaluation, categorization, and certification of oil spill response organizations and the development of joint certification guidelines. The Parties will develop joint certification guidelines and conduct independent or joint reviews as necessary or desirable. The State shall accept to the maximum extent practicable the Federal compliance documents for Federal certification and shall prepare supplementary forms for compliance with State regulations.

## B. Prevention.

1. Cooperative Implementation. The Parties are coordinating their efforts to prevent oil spills and hazardous substance releases in the marine environment. To the extent permitted under applicable laws, the Parties agree to cooperate in the execution of their respective regulatory responsibilities, to minimize duplication of effort, and seek to identify opportunities for innovative implementation of pollution prevention initiatives. Both Parties recognize the importance of encouraging cross training in each other's regulations and rules including the areas of inspection and response. Additionally, both Parties agree to regularly invite each other to participate in inspections and exercises. Each Party must exercise its own rulemaking implementation responsibilities independently and in accordance with applicable rulemaking procedures.

2. Vessel Inspection and Pollution Prevention. Each Party recognizes that the other must independently exercise its respective examination responsibilities in accordance with applicable law, regulations and policies. The Coast Guard conducts inspection programs for the purpose of enforcing both international agreements and domestic law aboard United States and foreign flagged vessels. The Parties should cooperate to establish consistent pollution prevention requirements, and to cooperatively monitor, examine and exchange information relative to those requirements, for vessels to operate in State waters. Both Parties agree to share all applicable information obtained from their respective vessel inspections and examination.

3. Vessel Screening. When the State determines that a particular vessel or vessels pose a substantial threat of a discharge of oil or release of a hazardous substance, or pose an

unreasonable risk of damage to the navigable waters or resources therein, that determination will be forwarded to the cognizant COTP. The COTP shall consider that information in making a determination under Federal law, including but not limited to 33 United States Code 1321(c) and 33 CFR 160, as to the appropriate action to be taken, if any.

4. Vessel Equipment. The Coast Guard conducts inspections and examinations to ensure compliance with requirements for equipment to ensure safety of life at sea aboard vessels. In the event that the State does perform inspections, the Parties should cooperatively examine pollution prevention and pollution response equipment aboard vessels and report noncompliance to the other party.

5. MARPOL 73/78. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. MARPOL is an international agreement implemented to reduce pollution from vessels. The Parties will cooperate in the enforcement of existing MARPOL requirements. The Coast Guard will keep the State informed concerning MARPOL regulations and both Parties will attempt to work together to limit the improper disposal of waste.

6. Facility Inspections. Facility inspections are conducted by both Parties to ensure compliance with pollution prevention and pollution response regulations. The State has statutory responsibility for oil transfer facilities and their operation within the State. Included in this responsibility is the requirement to establish regulation and inspection programs governing oil transfer facilities. This includes regulation and inspection of oil transfer operation between marine facilities and tank vessels. The Parties will coordinate their respective inspection and monitoring activities to the extent practicable to utilize the resources of both Parties efficiently and effectively. Cognizant inspectors from both Parties may carry out inspections and other activities jointly where appropriate. The Parties will cooperatively enforce requirements for pollution prevention and pollution response equipment at marine facilities. The Parties will cooperatively enforce requirements for trained and qualified personnel to be responsible for transfer operations at marine facilities. The Parties will work together to ensure that vessels properly dispose of wastes. The State will promptly inform the COTP and the U.S. Coast Guard will promptly inform the State of any situation or circumstance relative to facilities whose operation or equipment may significantly increase the potential for an unauthorized discharge or create an unusual or an unacceptable risk to public health and safety, or the safety of navigation within State waters.

7. Public Information/Education. The Parties agree that public education in areas of pollution prevention, which includes oil, hazardous substances, and garbage, is a high priority and each agency shall seek opportunities to coordinate pollution prevention public awareness and education programs.

C. Response. Federal law establishes the Coast Guard as the primary Federal agency tasked with responding to oil spills and hazardous substance releases on waters of the United States. In such cases, the Coast Guard OSC is the pre-designated official responsible for cleanup operations. The OSC may direct or monitor all Federal, State, and private actions in response to

an oil spill or a potential oil spill in State waters. The Parties will respond to marine oil spills and hazardous substance releases as required by and in accordance with the NCP. The OSC will consult, as required by OPA 90 and other applicable Federal law, with DHEC concerning oil and hazardous substance response activities. State law provides that DHEC is responsible for coordinating cleanup efforts of oil spills and hazardous substance releases within South Carolina waters. The Parties agree to work together within the framework of their respective authorities to ensure a coordinated effort with a minimum of duplication is undertaken in response to oil spills and hazardous substance releases.

1. Incident Command System (ICS). The Unified Command Structure (UCS) within the ICS will be used during pollution response operations. The UCS establishes lines of communication, information sharing and control for the conduct of an oil and hazardous substance response operation by the adoption of the Area Plan. This system ensures notification procedures are in place, which inform cognizant agencies of the State when actual or potential spills that may affect State waters are reported. The Parties agree to provide the earliest possible notification of discharges of oil and hazardous substances and imminent threats of such discharges to each other in accordance with applicable law, regulations and policies and consistent with the NCP. In order to provide an initial point of contact for the OSC in the event of an actual or potential discharge of oil or hazardous substances that may affect the coastal zone, DHEC represents all State agencies and will be the primary point of contact. The Parties agree to implement a UCS to ensure coordination of emergency response decision making during a pollution incident. In those circumstances where governmental action is required to develop and direct action to clean up or abate the effects of an oil spill or hazardous substance release, the Parties agree to consider best utilization of existing resources, avoiding duplication while taking advantage of resource availability. If the State assumes responsibility for response activity, the State will conduct those activities with concurrence from the OSC, in accordance with the NCP and ACP. The OSC will coordinate with the State in decision making relating to the conduct of the oil spill response operations including, but not limited to: salvage, lightering, safe haven, and other matters affecting the release of oil or hazardous substances, its containment or its cleanup. The Parties agree to establish a joint public information center to provide for the coordinated dissemination of information during a response operation. This provision does not preclude the Parties from making independent responses to the media and the public.

2. Approval Authorization. Officials from DHEC responding to a pollution incident are often the first officials at the scene in a position to observe the facts relevant to the initiation of a Federally funded response. When, prior to the arrival of Federal officials at the scene, such action appears appropriate, the designated State representative should make a specific request for a federally funded response to the Coast Guard OSC. If the OSC determines, based on information provided by the State representative, that a Federally funded response is appropriate, then the Coast Guard may contract for spill response in the normal manner. In such instances, appropriate South Carolina personnel will remain on-scene, investigate the source, and document the services being provided by the Federal contractor until relieved by Coast Guard personnel or expressly released by the OSC at the conclusion of the response. Upon arrival, responding Coast Guard personnel will assume on-scene responsibility for the response

activities and cleanup costs incurred pursuant to the Federal contract. South Carolina will provide appropriate documentation of the source and the response to the Coast Guard OSC in a timely manner. The following guidelines have been established for use by designated State representatives to request approval for Federally funded response.

- a. The spill is in the waters of the United States, poses a threat to the waters of the United States, poses a threat to the public's health or welfare, or generates critical public concern.
- b. The spill will harm the environment by damaging or destroying the State's natural resources including wildlife and their habitat.
- c. The spill is cleanable.
- d. Actions are in accordance with the NCP.

3. Notification and Coordination Requirements. DHEC Emergency Response Section (ERS) will request the responsible party for a hazardous substance release to immediately notify the National Response Center for any release of a hazardous substance that meets or exceeds the established reportable quantity under 40 CFR Part 302. If the responsible party for the release is unknown, DHEC ERS will ensure this notification requirement is met. DHEC ERS will request the responsible party for a discharge of oil to immediately notify the National Response Center whenever an oil spill threatens or discharges into inland navigable waters of the United States under 40 CFR Part 110. If the responsible party for the discharge is unknown, DHEC ERS will ensure this notification requirement is met. The Coast Guard OSC shall notify and/or ensure notification is made immediately to DHEC ERS for every incident report received from either the National Response Center or other party. The notification may be made by telephone or in writing in accordance with the DHEC ERS Notification Guidelines.

4. Natural Resource Protection. Both Parties recognize the importance of protecting and preserving natural resources in responding to an oil spill or hazardous substance release. Both Parties agree that response strategies and procedures will be established in consultation with the Unified Command, in accordance with applicable laws, regulations and policies, and procedures.

5. Response Monitoring and Technology. Both Parties agree that the stringency and methods used to clean up oil, oily debris, and hazardous substances shall be established in consultation with the Unified Command. The UC will decide what level of action is required by the responsible party, and may decide to direct the clean up operations by the responsible party or to assume responsibility for the cleanup operation. Both Parties agree, in consultation with the Unified Command, to provide timely input and recommendations to the OSC, to the extent practicable, on dispersant usage, in-situ burning, bioremediation, and other non-mechanical cleanup technologies. Both Parties agree that decisions to discontinue cleanup operations and demobilize response activities shall be in consultation with the Unified Command. In accordance with 40 CFR 300, the removal shall be considered complete when so determined by the OSC in consultation with the Governor of South Carolina. When the OSC considers removal complete, OSLTF removal funding shall end. This determination shall not preclude



additional removal actions under applicable State law.

6. Abandoned Unknown Containerized Substances. DHEC will routinely handle containers or drums that are not leaking and have washed ashore within the State's coastal jurisdiction. Upon notification of the incident, DHEC will assume responsibility for verification and initiate prompt removal, with the State's contractor as a potential resource. DHEC will attempt to coordinate with municipal or county officials to handle deteriorated containers or drums that no longer pose a pollution threat. The Coast Guard or their authorized representative will promptly remove containers or drums either floating in navigable waters or leaking and washed ashore. Both the Coast Guard and the State of South Carolina agree that they will provide timely notifications to one another of any containerized incidents. The State and the Coast Guard may negotiate, on a case-by-case basis, removal and disposal actions necessitated by unusual incidents.

## **VI POLLUTION INVESTIGATIONS**

A. Subject to the requirements and limitations of applicable State and Federal law, the Parties agree to coordinate, to the extent practicable, pollution investigations including the sharing of reports, sample results, incident documentation, and other available information that may assist in the pollution investigation.

B. Each party will endeavor, to the extent practicable, to ensure that reports documenting "elements of the violation" are sufficient to pursue both a Federal and State action. This documentation should be made available upon request to the extent permitted by law.

## **VII INFORMATION MANAGEMENT**

A. The exchange of information between the Federal government and the State relative to pollution events and current risks is necessary to develop appropriate preparedness, prevention and response systems. In accordance with existing guidelines, the Coast Guard and the State will share information from the databases they maintain in order to make accurate and timely decisions to prevent, prepare for, and respond to marine pollution incidents.

B. The Coast Guard and the State will furnish each other with policy, studies, research and development projects, rulemakings, and reports on marine pollution that may be of interest to the other party.

C. The Coast Guard District office will coordinate requests for data, status of investigations, studies, and civil penalty actions. The South Carolina Department of Health and Environmental Control shall perform a similar function for the State.

D. The Coast Guard and the State will furnish each other with the texts of bills or laws, rules or regulations of mutual interest having to do with prevention of or response to pollution of the marine environment or any related matters that are the subject of this agreement, along with any

published administrative interpretations thereof. Careful consideration will be given to all recommendations and comments by the State on regulatory proposals made by the United States Coast Guard as an Agency, under the requirements of the Administrative Procedure Act. The State will carefully consider all recommendations and comments by the Coast Guard on State proposed regulations.

E. In order to promote the efficiency and effectiveness of investigations where there is concurrent jurisdiction, the Coast Guard and the State agree to share information on such investigations in a timely manner. Under exemptions provided by law and in accordance with policies and procedures established by the Department of Justice and the Coast Guard, the Coast Guard agrees it will seek to withhold information provided by the State from release under the Freedom of Information Act if the State has determined that such information is specifically exempted from disclosure by State statute. If the Coast Guard releases information to State investigative agencies which it has determined to be exempt from public disclosure under 5 United States C. Section 552(b), the State will not disclose such information to persons or agencies not involved in the investigation to the extent provided by the exemptions within South Carolina statutes. If the State determines that the information must be disclosed pursuant to South Carolina law, the State shall notify the Coast Guard of its duty to disclose as soon as it becomes apparent to the State. The State agrees to notify the Coast Guard of any request for documents or information that involve joint or shared investigations of marine incidents. In sum, information should be released in accordance with existing Federal and State laws. The Coast Guard will not release State information, and the State will not release Coast Guard information, without prior consultation.

## **VIII**

### **OSLTF FUNDING**

This section provides National Pollution Funds Center (NPFC) funding information pursuant to Section 1012(d)(1) of the Oil Pollution Act of 1990 (OPA 90) (P.L. 101-380) and Section 104(a) of the Comprehensive Environmental Response, Compensation, And Liability Act of 1980 (CERCLA). This section addressing federal funding issues is available for use only as a reference for accessing the Oil Spill Liability Trust Fund (OSLTF) or the CERCLA Trust Fund and does not constitute a binding agreement. To the extent allowed, a State may access pollution funding under currently published regulations and NPFC procedures.

The U.S. Coast Guard's National Pollution Fund Center (NPFC) manages the Oil Spill Liability Trust Fund (the Fund). The State may receive payments from the Fund in its role as a response organization engaged in removal activities consistent with the National Contingency Plan (NCP), as an appropriate claimant for damages, and in its role as a natural resource trustee. DHEC personnel regularly respond to oil discharges that impact or threaten to impact navigable waters within the State in accordance with 40 CFR, Sections 300.305 and 300.310. Options for reimbursement include direct access, filing a claim with the NPFC at the conclusion of the response or entering into a Pollution Removal Funding Authorization (PRFA) with the Coast Guard.

1. Direct State Access. Section 1012(d)(1). Regulations under Section 1012(d)(1) of

OPA 90 allow the NPFC, upon the request of the Governor of a State and as authorized by the OSC, to obligate the OSLTF for payment in an amount not to exceed \$250,000 for removal costs, consistent with the NCP, required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil. The NPFC's Technical Operating Procedures (TOPs) for State access under Section 1012(d)(1) of OPA 90, and the TOPs for Resource Documentation under OPA 90 are approved guidelines for State use to access the OSLTF under this section.

2. Claims: Section 1012(a) of OPA 90 provides that the OSLTF is available for the payment of removal costs to State governments resulting from a discharge or a substantial threat of discharge of oil into navigable waters and the removal actions are conducted in a manner consistent with the NCP and are coordinated with the Coast Guard OSC. The specific procedures for making a claim to the NPFC are documented in the NPFC Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990."

All the following criteria established by both parties of this MOA, for use by designated DHEC representatives to respond to discharges of oil must be met if the State intends to seek reimbursement from the OSLTF.

a. The discharge is into navigable waters or poses a substantial threat to navigable waters, as defined by the Federal Water Pollution Control Act (FWPCA). This legislation prohibits discharges of oil or hazardous substances, in such quantities as may be harmful, (1) into or upon the navigable waters of the U.S., adjoining shorelines, or into or upon the waters of the contiguous zone or (2) which may affect natural resources in the U.S. Exclusive Economic Zone (EEZ).

b. The discharge will harm the environment or threaten to harm the environment by damaging or destroying State or federal resources.

c. The actual or substantial threat of a discharge involves oil, but does not include CERCLA hazardous substances.

d. Response actions by State personnel are in coordination with the Coast Guard OSC and are consistent with the NCP.

3. Pollution Removal Funding Authorizations (PRFA): A PRFA is a financial obligation document that commits the OSLTF to payment, by reimbursement, for uncompensated costs incurred in oil discharge response activities undertaken by another government agency working in coordination with the Coast Guard OSC. The Coast Guard OSC may enter into a PRFA with the State of South Carolina to supplement Coast Guard resources whenever deemed necessary. To establish a PRFA, the Coast Guard OSC and the State of South Carolina must agree upon and document the specific goods and services to be provided and provide a good faith estimate of the total anticipated costs. This agreement may initially be reached verbally, but should be reduced to writing as soon as practicable during a response by execution of a Non-Federal Agency Pollution Removal Funding Authorization form.

Whenever a PRFA is issued to the State of South Carolina, the Coast Guard OSC shall specify in writing to the ERS the required documentation and the associated deadlines for all pollution reports (POLREPS), costs of personnel and equipment, invoices, final reports, etc. Problems, real or anticipated, should be immediately brought to the attention of the OSC.

It is essential that the Coast Guard OSC and the NPFC case officer be kept informed about the financial and work related progress of the removal. POLREPs are a logical and effective way to accomplish this. Every POLREP should contain the financial status of the removal, current ceiling, obligations to date, an estimate of all other costs to date, and any other facts and figures that explain the current status or have value for planning subsequent activities. In general, and unless not otherwise specified, the State shall submit weekly POLREPs until final cleanup/stabilization is accomplished. For short-term incidents (less than one week long) only one POLREP is necessary, unless specified by the Coast Guard OSC. When possible, the State of South Carolina shall identify the name and address of the responsible party and report this information to the Coast Guard OSC to support cost recovery efforts.

Upon completion of the removal activities, DHEC must submit a Cost Documentation Package to the issuing Coast Guard OSC with detailed records of expenditures and activities for which reimbursement is sought. DHEC must submit the final request for reimbursement, supported by the required documentation, within 60 days following the receipt of the final invoice for the response. If at the end of 60 days from the receipt of the invoice, there are any costs for which reimbursement has not been requested, written notice will be sent to the issuing OSC by DHEC. After 90 days from receipt of the invoice, the government may de-obligate any balance remaining in the account. NPFC Instruction 16451.2, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act of 1990", defines all cooperative agreements, and procedures for claims for reimbursement.

## **IX CERCLA FUNDING**

A. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Trust Fund. National Pollution Funds Center (NPFC) Administration of the CERCLA Trust Fund. The NPFC administers the CERCLA Trust Fund in order to provide CERCLA funding to Coast Guard OSCs responding to hazardous substance pollution incidents within the coastal zone.

1. State Funding through the CERCLA Trust Fund. A Coast Guard OSC may request State assistance and participation in emergency removal actions under CERCLA in response to a hazardous substance incident or threatened incident where funding for these actions is provided via a Pollution Removal Funding Authorization (PRFA). Similarly, the State may request that a Coast Guard OSC issue a PRFA for State-initiated emergency removal actions at hazardous substance incidents. The only medium for the State to gain access to CERCLA Trust funding for emergency removal actions during a hazardous substance release is through the use of a PRFA. State agencies may work directly for the Coast Guard OSC in performing removal actions. In these situations, the OSC issues a PRFA to the State to establish a working operational

agreement and to obligate the CERCLA Trust Fund. The OSC actively directs and is responsible for the response actions.

## **X EVALUATION OF MOA**

A. The Parties shall independently evaluate the effectiveness of this MOA in light of the purpose and scope, particularly with respect to the underlying principles of cooperation, the minimization of regional regulatory impacts on industry, and environmental protection.

B. At least every three years, the Parties shall present their findings and any proposals to revise this MOA as appropriate. In the interim, questions regarding this MOA should be directed to the Manager of the DHEC Emergency Response Section at (803) 896-4111 or the Chief of the Coast Guard's Seventh District Marine Response Branch at (305) 415-6871.

## **XI MISCELLANEOUS**

A. This agreement represents a voluntary understanding between the Commander, Coast Guard Seventh District and the State of South Carolina, DHEC.

B. Provisions of this MOA shall be effective when signed by the Parties involved. This MOA will remain in effect until rescinded by either party in writing.

C. The terms of this agreement may be changed at any time by mutual agreement of the Parties by a written, signed amendment. Either party may terminate the agreement at any time. Any action to modify, amend, or terminate this agreement may only be taken by the Deputy Commissioner for EQC of DHEC or the Commander, Seventh Coast Guard District or persons to whom this authority is specifically delegated by them.

D. This agreement does not create any legally enforceable rights or obligations, substantive or otherwise. It is intended solely to improve the planning, coordination, and management of responsibilities and resources within and between the U.S. Coast Guard and the State.

E. This agreement does not alter any authority, jurisdiction or responsibilities of the signatories. Although signatories retain discretion to deviate from provisions of the agreement, each representative attests to his/her agency's willingness to endeavor to comply with the terms herein.

**FOR THE STATE OF SOUTH CAROLINA, DHEC:**

\_\_\_\_\_  
(Signature on file)

R. LEWIS SHAW  
Deputy Commissioner for EQC  
Department of Health and Environmental Control

DATE: April 30, 2001

**FOR THE UNITED STATES COAST GUARD:**

\_\_\_\_\_  
(Signature on file)

WILLIAM H. FELS  
Captain, United States Coast Guard  
Chief, Marine Safety Division  
Seventh Coast Guard District

DATE: April 26, 2001

## **Appendix F**

Memorandum of Agreement  
Between the South Carolina Law Enforcement Division  
(hereinafter SLED)

and

South Carolina Department of Health & Environmental Control  
(hereinafter DHEC)

### **Weapons of Mass Destruction Response Team**

This Agreement is made and entered into by and between SLED, by its duly authorized Director, Robert M. Stewart, and DHEC by its duly authorized Director, Douglas E Bryant, on this 16th day of April 2001.

WHEREAS SLED is an agency of the State of South Carolina with the authority to enter into contracts; and


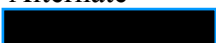
WHEREAS DHEC is an agency of the State of South Carolina with the authority to enter into contract; and

WHEREAS SLED and DHEC desire to enter into an agreement for the provisions of support of the Weapons of Mass Destruction Response Team;

NOW THEREFORE, with the intent to be legally bound, and in consideration of the covenants and promises hereinafter made, SLED and DHEC hereby agree as follows:

#### **I. Duties of DHEC**

1. DHEC shall designate a point of contact and supply this information to SLED immediately following execution of this agreement. The agency point of contact is:  
Telephone number      

Duty Officer	Alternate
	
2. DHEC will notify SLED's point of contact every time there is a call for response to any situation that may involve a weapons of mass destruction incident. This is exclusive of day to day Hazmat calls.
3. SLED and DHEC agree that any and all cost incurred by the individual agencies, i.e. SLED or DHEC, on a Weapons of Mass Destruction call will be absorbed by each individual agency unless the Federal Emergency Management Agency or State monies are made available through the state Office of Emergency Preparedness.
4. DHEC will provide to SLED the following:

- A. Team Decontamination
- B. Equipment Decontamination
- C. Counsel and Advice on matters involving chemical, biological and/or radiological agents
- D. Hazmat Response initiatives
- E. Personal Protective Action
- F. Participate in training jointly with SLED

## II. Duties of SLED

1. SLED shall designate a point of contact. The SLED point of contact for dispatch and response will be the Officer of the Day at [REDACTED] or [REDACTED] (emergency only).
2. After consultation with the SLED Officer of the Day, the appropriate agent from the Bomb Squad or Forensics Unit will provide response instructions to the DHEC point of contact.
3. SLED will take the lead in responding to WMD incidents where there is a threat of physical harm to the responders. They will neutralize the physical threat before exposing DHEC members of the team to the situation at hand.
4. SLED will notify DHEC's point of contact every time there is a call for a response to any situation that may involve a weapons of mass destruction incident exclusive of day to day bomb or arson calls.

## III. Terms and Termination

1. The term of this agreement shall be five (5) years from the date first written above.
2. This agreement shall not be terminated by SLED or DHEC without written notification via certified mail, return receipt requested. This notification must be at least three months in advance of the intended termination date.

## IV. Miscellaneous

1. Neither party may assign this Agreement to any other entity without the express written consent of the other party.
2. This Agreement constitutes the entire Agreement of the parties and is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions and agreements that have been made in connection with the subject matter hereof. NO modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the



respective parties hereto.

3. In the event any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement which shall remain in full force and effect and enforceable in accordance with its terms.
4. The section headings used herein are for convenience only and shall have no significance upon the interpretation of this agreement.
5. This Agreement shall be governed and construed in accordance with the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above

SOUTH CAROLINA  
LAW ENFORCEMENT  
DIVISION

(Signature on file)

\_\_\_\_\_  
Robert M. Stewart, Chief

SOUTH CAROLINA  
DEPARTMENT OF HEALTH  
AND  
ENVIRONMENTAL CONTROL

(Signature on file)

\_\_\_\_\_  
Douglas E. Bryant, Commissioner

Witness: (Signature on file)

Witness: (Signature on file)